

COUNCIL MEETING

APRIL 25, 2018

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, April 25, 2018 at 9:08 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Ross Kagawa (*present 9:28 a.m.*)
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

Excused: Honorable Mason K. Chock

APPROVAL OF AGENDA.

Councilmember Kaneshiro moved for approval of the agenda as circulated, seconded by Councilmember Brun.

Council Chair Rapozo: Before we go on, we are going to take the Emergency Money Bill upfront. Also, if there are no objections, I am going to ask Ms. Judy Page, who wanted to testify on Bill No. 2697, but cannot stay. So if there are no objections, we are going to take her testimony so that she can leave, and then we will proceed with the Bill. With that, the motion is to approve.

The motion to approve the agenda as circulated was then put, and carried by a vote of 5:0:2 (*Councilmembers Chock and Kagawa were excused*).

Council Chair Rapozo: Let us take up until the Consent Calendar, then we can call Ms. Page up to testify.

MINUTES of the following meeting of the Council:

February 7, 2018 Public Hearing re: Bill No. 2682 and Bill No. 2683
February 21, 2018 Public Hearing re: Resolution No. 2018-03 and Bill No. 2686
March 14, 2018 Council Meeting
March 28, 2018 Council Meeting
April 11, 2018 Public Hearing re: Bill No. 2695, Bill No. 2697, and Bill No. 2700

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Brun.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the Minutes as circulated was then put, and carried by a vote of 5:0:2 (*Councilmembers Chock and Kagawa were excused*).

Council Chair Rapozo: Can we go to the Consent Calendar?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We are on the Consent Calendar.

CONSENT CALENDAR:

C 2018-110 Communication (04/03/2018) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2018 through March 31, 2018: Councilmember Kaneshiro moved to receive C 2018-110 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-110 for the record was then put, and carried by a vote of 5:0:2 (*Councilmembers Chock and Kagawa were excused*).

Council Chair Rapozo: Ms. Page, you may come up. Again, if there are no objections, we will suspend the rules and take testimony from Ms. Page on Bill No. 2697, Draft 1.

There being no objections, the rules were suspended to take public testimony.

JUDY PAGE: Thank you. I am Judy Page and I am the President of the Hanapēpē Economic Alliance and I am here to speak in support of the revocable permit ordinance, the number of which you just said, but I do not remember. We want to thank this Council and previous Councils for working so hard and so long on this issue. It is very important to us and I think it is very important to the entire island to get this right. We want to thank the staff that worked on it and we want to say that we hope that the ordinance will help us in Hanapēpē, but everyone else to address any issues that arise from the events that are going on. We are mostly concerned with the issues of safety for the public and for fairness in terms of economic activity. We hope that this ordinance will help keep Hanapēpē Art Night a viable and thriving event for both visitors and local residents. Thank you.

Council Chair Rapozo: Thank you very much. With that, we will proceed with the first item.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Ms. Fountain-Tanigawa: Chair, we are page 2, this is C 2018-115.

There being no objections, C 2018-115 was taken out of order.

COMMUNICATIONS:

C 2018-115 Communication (04/18/2018) from Council Chair Rapozo, transmitting for Council consideration, at the request of the County Administration, a proposed Emergency Ordinance pursuant to Charter Sections 4.02K and 18.02, in the amount of \$5,000,000.00 from the Reserve Fund (Disaster Response), which will be used to fund emergency expenditures resulting from the heavy rains and severe flooding that occurred on April 14, 2018: Councilmember Kaneshiro moved to receive C 2018-115 for the record, seconded by Councilmember Yukimura.

Council Chair Rapozo: The Bill itself is an Emergency Bill, which will not require any further actions beyond today. We will vote today; there is no public hearing and no second reading. That is just for the public's information. I will suspend the rules. Mr. Rezentes.

There being no objections, the rules were suspended.

WALLACE G. REZENTES, JR., Managing Director: Good morning and *aloha*. Wally Rezentes, Managing Director. I am here on behalf of Mayor Carvalho. He wishes that he could be here today, but his absence is for good reason, as he is participating in the KHON telethon to raise money for the American Red Cross for Kaua'i's flood relief efforts. I am going to give a general overview and ask Ken to speak, as well as other team members. The Kaua'i Emergency Management Agency's Emergency Operations Center (EOC) has received representation from almost every county and State department, every public utility, as well as American Red Cross, the Coast Guard, the Army National Guard, and the Federal Emergency Management Agency (FEMA). This list does not include the countless number of volunteer organizations, Councilmembers, and individual citizens who mobilized to get help to the many homes and businesses in the affected areas on Kaua'i. Before we continue this discussion, on behalf of Mayor Carvalho, we want to first and foremost say thank you, County Council. This is the worst natural disaster that has occurred on Kaua'i in the last twenty-five (25) years and the recovery and rebuild effort is going to be incredible and is currently incredible. As we move forward, the rebuilding process will be expensive and it will take a long time to complete. We are requesting the Council's support to approve a five million dollar (\$5,000,000) allocation from our Reserve Fund to start our rebuilding process. We anticipate that FEMA will cover seventy-five percent (75%) of eligible government infrastructure and recovering costs. So far, our preliminary disaster assessments that are not yet

complete, indicate that we have sixty-six (66) homes with major damage and fifteen (15) homes that have been deemed totally destroyed. We are also in the process of compiling our County government facilities damage assessments, and if you would like, Lyle could come up and speak to what we have thus far. This number, as you can understand, is moving daily as assessment teams continue their work. On that note, we are very grateful to have experienced off-island teams from Hawai'i Emergency Management Agency (HI-EMA) and FEMA to assist us during this process, some of whom are here in the room and will come up at a later point in this discussion today. We have Tom Travis, HI-EMA Administrator; Lorinda Wong Lau, the HI-EMA Disaster Assistance Chief; Vern Miyagi, from HI-EMA; as well as Casey DeShong, who is from the FEMA Public Affairs Office. The Mayor has been out in the community, as you know, and he has had a recent community meeting in the Hā'ena area. We are planning further meetings in the Kōloa area on April 30th, Keapana/Anahola on May 2nd, and in Hanalei on May 3rd. All meetings will be held at 6:00 p.m. to 8:00 p.m. We also want the public to know that we have a County liaison in Hā'ena, the County Planning Director, Mike Dahilig, from Punahou, is the County's point of contact in that area. He is stationed there at the Hanalei Colony Resort and is available either at Camp Naue or at the Hanalei Colony Resort daily. We wanted to give a big *mahalo* for the many, many volunteer groups. They are a big reason that our relief efforts have been successful thus far and why our community has been able to thrive and stand together through this process. As you know, some of the names of nonprofits include Mālama Kaua'i, American Red Cross, YMCA Camp Naue, who have been huge, Hanalei Colony Resort, Hawai'i Foodbank, Kaua'i Economic Opportunity, Kaua'i Independent Foodbank, the Hanalei community, the Wainiha community, Kōloa community, Anahola community, and the list goes on. All of our volunteers who put their hearts and souls into this effort for the people of Kaua'i, thank you. I am going to have Ken answer any questions that you have on the fiscal side, and then we will have other team members here available for any specific questions that you may have.

Council Chair Rapozo: Thank you. I want to start off by asking first of all the availability of funds right now. I know there was the one hundred million dollars (\$100,000,000) from the State Legislature—is that final and done?

KEN M. SHIMONISHI, Director of Finance: Ken Shimonishi, Director of Finance. To the best of our knowledge, no, that has not yet been finalized and I think we need to be careful and cannot assume that those funds in its entirety will be truly for the County government of Kaua'i as opposed to the entire relief effort. So what that is, we really do not have.

Council Chair Rapozo: That is where I am heading, Ken. The misrepresentations or the misunderstandings, hopefully we can clarify all of that today here, because people rely on Facebook more than they rely on government sources of information. I just want to let the public know what is available and what these funds are going to be used for. There is actually one hundred twenty-five million dollars (\$25,000,000) that is being proposed by the State. You mentioned that FEMA was going to cover seventy-five percent (75%) of government projects. For me, I am trying to find out what is the estimated breakdown...the majority of our damage, like you said sixty-six (66) homes, that is not government projects or government

property. The main issues that I can see is the highway, getting that highway back open, and that is a State highway. As far as the County goes, what do we see as County damages and what is the estimated damage as to County property or projects that the County will have to repair? Do we have an estimate?

Mr. Rezentes: Again, that estimate is being worked on as we speak daily. We have some numbers that are incomplete that Lyle can speak to if you would like, but we are still compiling and assessing as we speak.

Council Chair Rapozo: So the five million dollars (\$5,000,000) that have been requested is for what? What are these funds going to be used for?

Mr. Rezentes: Anything that is related to the flood, any cost item that is related to the flood that we can front. As you know, FEMA funding will come on the backend—it is reimbursable—so we need to front County funds towards our efforts to repair, recover, et cetera. We believe it is a good start, and as needed if we need it, we would need to come up and make further requests, but we believe that the five million dollars (\$5,000,000) for now is a comfortable number and we can assess in the next couple of weeks if that number still stands as a good number and report in more specificity updated information as we go.

Council Chair Rapozo: The majority of the work, like I said, is being done by the State on the highway so that cost is being attributed to the State, right? I would assume that they are fronting that and they will apply for FEMA reimbursement at some point.

Mr. Rezentes: I do not want to speak too much for the State, but they are going to go after FEMA funds, as well as Federal Highway funds. I believe HI-EMA folks will be able to speak in more detail.

Council Chair Rapozo: I guess for me, I just want to find out and get clear and get the public to be very clear on what the County funds are being used for; specifically, today's agenda is the five million dollars (\$5,000,000). I know we are doing a lot of work, and let me be the first to say "thank you" at the EOC, and to the entire team. I made a few requests over there and the response has been great and I appreciate that. I know that comes with a cost, so I am assuming that a lot of these bins and removals of stuff is being charged against the County's account, and then later we are going to request reimbursement from FEMA. That is what these moneys are for, basically to put the money in the account so that it is available to use for our local operations. Then if they qualify for FEMA, at a later time, they will get the reimbursement.

Mr. Rezentes: That is correct.

Council Chair Rapozo: Any questions for Wally? I do want to have Lyle come up, but as far as for the five million dollars (\$5,000,000). Councilmember Brun.

Councilmember Brun: I was just going to ask if Lyle could come up.

Mr. Rezentes: If we could have Lyle come up at the end, I was going to bring Elton up and kind of have him give an overview, as well as with the HI-EMA folks.

Councilmember Kawakami: Thank you, Mr. Chair. A quick comment on the appropriation coming from the State—from what was explained to me very briefly, the bulk of the work is State Highways and there are two (2) areas where the highway itself is undercut, so that is going to require (inaudible) and a tremendous amount of work. Also, a portion of that appropriation is going to go to agricultural infrastructure, because that portion of the island has lots of *lo'i* and *kalo* fields, so State projects have addressed a river breach in Hanalei, that river that got blown out. So a portion of that appropriation is for agriculture infrastructure improvements, and then it was also to help appropriate some to County improvements as well. That was the appropriations for the one hundred million dollars (\$100,000,000) or one hundred twenty-five million dollars (\$125,000,000).

ELTON USHIO, Kaua'i Emergency Management Agency Administrator: *Aloha*. Elton Ushio, Emergency Management Administrator. So today is day twelve (12) of this event and the EOC operations are supporting everything that is going out there in the field. Initially, it really started off as a flashflood activation and that storm proved to be something truly exceptional for us there at the EOC on that first night. The immediate focus, the very next morning, we launched life safety missions, search and rescue County assets and Federal assets with the United States Coast Guard, C-130 Dolphin helicopter. They also brought in a Cutter off the coast. Unfortunately on that day Sunday, recurrence of severe weather and thunderstorms limited our operations, but by the very next morning, we were able to bring in guard assets, particularly Chinook helicopters and Black Hawks, swift water rescue teams, and other resources. So it started arriving on-island or in our EOC through our partnerships with HI-EMA and established partnerships previously with other entities, like FEMA, et cetera. So the response grew and scaled upwards to where actively coordinating and integrating our efforts of all levels of government, private sector, and appropriate community-based organizations. The focus was able to be switched from a life-safety/life-saving, to evacuation, to life-sustainment, and then infrastructure restoration. As you know, through the partnerships, infrastructure for power, water, phone communications, and internet have all been restored to the affected areas, except for tiny pockets like Weke Road. Highway infrastructure and roadways that were severely damaged remains the ongoing long-term challenge. With that, the sustainment of the community. In that sense, we have inserted Police, Fire, Emergency Medical Service (EMS), and Disaster Medical Assistance assets into the community with their vehicles for support. We have been able to work with the Department of Education (DOE) in establishing a satellite school in the area, even with the Humane Society for veterinary services. So we are trying to take care of their needs, but long-term sustainment will continue to be a challenge until such a time that highway infrastructure is restored. We are also transitioning to documentation of the losses. On the governmental end, FEMA arrived on Monday and began the joint preliminary damage assessment process on the public assistance side. Today, they are beginning the individual assistance assessments for residential homes. There is more to come. We had a community outreach meeting on Sunday in

Hā'ena, and as Wally had stated, we will be doing those in other communities as well. We are very appreciative of the efforts and the contributions from all engaged organizations and even those that we have not been engaged with too much, like the community-based and the spontaneous volunteers, and what have you.

Council Chair Rapozo: Any questions for Elton? Councilmember Yukimura.

Councilmember Yukimura: Elton, first of all, we are so grateful for your leadership and management and for the EOC and all the responders that have been going out. It was an unprecedented event and I know you people have been working around the clock, so thank you very much for those efforts.

Mr. Ushio: Thank you.

Councilmember Yukimura: At the same time, I want to acknowledge the amazing community self-help that has been going on that has been very critical to the response as well. It is always a partnership. Mālama Kaua'i, the foodbanks, and farmer Adam Asquith and his group, and the churches, and the individuals that have been stepping forward have just been amazing and heartwarming, because it really does show Kaua'i at its very best in terms of the outreach. Thank you for your overall summary of the timetable and the things that have been happening, which has been in the right priority in terms of first saving lives and making sure people were at least in some safe circumstances or position. Now, as you mentioned, it is the long-term healing and sustainment that is going on. My question is, is five million dollars (\$5,000,000) from the County going to be enough or is that a question I should ask you? I do not know who to ask that question to.

(Councilmember Kagawa was noted as present.)

Mr. Ushio: It will be best for me to defer to Finance or others on that. Our focus has been on the incident management and while Finance is part of that, I do not have the best expertise in that area to answer.

Councilmember Yukimura: Okay, because that is the issue before us today, the appropriation money bill for five million dollars (\$5,000,000) emergency money, and we want to make sure that it is enough in the big picture of all the different moneys that are coming forward. It is going to be so important. You said that FEMA will cover seventy-five percent (75%) of the public cost. Is that certain at this point or do we have to reach any threshold levels before that is actually triggered?

Mr. Ushio: So thresholds have to be met and that is why the Joint Preliminary Damage Assessment (JPDA) is going on at this time. If we meet those thresholds, and I believe we have a representative from FEMA here, as well as HI-EMA, who specialize in this area, but if we meet those and the costs are deemed eligible and then a declaration is done, then...

Councilmember Yukimura: But if we do not meet it, that means that we are pretty much on our own in terms of funding our infrastructure rehabilitation and all of that, right?

Mr. Ushio: That would be my understanding.

Councilmember Yukimura: Chair, can we get FEMA forward just so that we are really clear what the parameters are that we are working with?

Mr. Ushio: We brought a team that is able to answer the specific questions in that area.

Councilmember Yukimura: Could we, Chair?

Council Chair Rapozo: I am going to finish up with Elton first.

Councilmember Yukimura: Well, it seems like it is a combination of responses that would help us understand. So if we had FEMA and the State here, we could have that dialogue.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Just following on your first question, Mr. Chair. I do not think we received a clear answer, but you are asking us for five million dollars (\$5,000,000) to spend, but on what? I am not going to approve of giving you folks a blank check because it is to fix emergency...that tells me nothing about the details. What I want is a breakdown and list of every single thing you plan to spend with the five million dollars (\$5,000,000), every projection you have to spend for the five million dollars (\$5,000,000). I cannot, in good conscious, approve of a five million dollar (\$5,000,000) blanket check to spend on what you deem is "emergency." To me, that is not checks and balance. Can we have something in detail that we can share with KHON and everybody so there is transparency that we are not going to blow this money?

Council Chair Rapozo: Lyle is going to be coming up afterwards to give us a better assessment of the damage at this point.

Councilmember Kagawa: So we can get that breakdown?

Councilmember Brun: That was my exact question for Lyle. We should bring Lyle up.

Council Chair Rapozo: Listen, I do not want to jump from here to here, to here. We have Elton from EOC. Let us deal with Elton on the EOC issues, and then we will bring up the next party. I am not going to have people playing musical chairs over here. Elton, you brief us on what you folks are doing, which again, I commend the efforts, and then we will go from there. I want an organized meeting. I do not want people to be bouncing all over, if somebody has a question for FEMA, then they come up and they go back and then come back. No—Elton is here,

so let us deal with Elton, and then we will bring up Lyle, and then we will bring up FEMA. That is the order.

Councilmember Kagawa: Who is going to answer my question then?

Council Chair Rapozo: Lyle.

Councilmember Kagawa: Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Mr. Chair, I think if we had the panel in front of us, we could have a more cohesive discussion because someone will have part of the answer and you cannot really do it just one-by-one. If they are all here, we can really get the answer in a better way, is my thought.

Council Chair Rapozo: I already explained the process. Are there any more questions for Elton? Councilmember Brun.

Councilmember Brun: Thank you, Elton. I just wanted to say thank you for what you folks are doing. Every question I had, like the Chair said earlier, was answered right away by you folks and the Administration. Thank you very much for all you folks are doing.

Mr. Ushio: Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: Elton, I know you have been getting millions of requests, but is there a point person or a point number, because we get a lot of volunteers calling and saying, "Who do I call to know where to send resources or to send donations?" Do you have a number that they can call just for the public's knowledge, as a contact person to say, "Okay, contact this number and we will organize?" Say a community group wants to do a clean-up and they are getting food from different islands coming in and want to know where they can put it. Is there a contact number, one County number that people can call and get a little direction, not to overwhelm you folks though?

Mr. Ushio: In all honesty, we will take calls on issues such as that on our EOC's main line, 241-1800, but to be honest, we are not trying to actively coordinate and track efforts of every single relief organization out there. That is the function that we had hoped to establish externally. We have a coalition known as our "Volunteer Organizations Active in Disaster (VOAD)," but we found that those entities such as the Red Cross, Salvation Army, et cetera are all out there and fully engaged, so it is difficult for us to manage the efforts of those and other entities. I have asked one of our staff members today to start to compile a list of all active community-based, non-governmental response entities. Based on that, we will try to see if we can establish some form of better coordination, validations, so that people know that these are bonafide entities. We will attempt to develop better

guidance there, but if they call us, we can direct them to where donations can be received or accepted. If they are a large enough organization that they want to do some sort of special operation with us to a delivery then we are open to discussing with them.

Councilmember Kaneshiro: Okay, thank you. I know there has been a lot of people stepping up and I know that you folks have been taking a lot of the calls and people are saying, "Hey, we have all of this, what do we do with it?" I just want to tell you thank you for all of your efforts. At the same time, you are trying to manage that and you are also trying to manage all of the necessary emergency things.

Mr. Ushio: We are hoping to manage that externally and just liaison with that function, if possible.

Councilmember Kaneshiro: Okay. Thank you.

Council Chair Rapozo: Does the County not have a number—not EOC, because EOC is an Emergency Operating Center—but does the County have a Public Information Officer (PIO) or the County that people could call so that non-emergency personnel can send them in the right direction? Is everything funneling through your office?

Mr. Ushio: Right now, everything is coming through the EOC and then we are augmented with call-takers.

Council Chair Rapozo: So anybody answers the phone, right? Is someone designated, or the person that answers the phone, do they know who to refer that caller to?

Mr. Ushio: Yes.

Council Chair Rapozo: So is that the system you would rather have?

Mr. Ushio: For now, until we establish a mechanism to deal with the donations.

Council Chair Rapozo: That is what I am trying to establish, that mechanism right now. It is very simple. You send the calls to the PIO's office, that is their job, is that something...then they are more in a more relaxed environment.

Mr. Ushio: We have the PIOs embedded in the EOC right now.

Council Chair Rapozo: Yes, but the line does not go to the PIO.

Mr. Ushio: It goes to the main line, and then they will direct it either to a desk or they will find the person.

Council Chair Rapozo: Okay. If you are okay with it, I am okay with it. I am just trying to make it where the public can call one number.

Mr. Ushio: It has been working for now, in my opinion.

Council Chair Rapozo: Okay. Any other questions for Elton? If not, thank you, Elton.

Mr. Ushio: Thank you.

Council Chair Rapozo: Hang tight, I am sure you will be back up later.

Council Chair Rapozo: Lyle.

LYLE TABATA, Acting County Engineer: Morning Chair and Members of the Council, Lyle Tabata, Acting County Engineer. So our crews, between Engineering, Building, and the Department of Parks & Recreation have been out there after the event, to do evaluations to begin the recovery process. As Elton mentioned, the first weekend was basically to react to and respond and to ensure that the public was kept safe. So now, we have come in, our Engineering and Building Divisions and the Department of Parks & Recreation, to do evaluations. We have not been alone. We have been out in the field with FEMA personnel and the United States Army Corps of Engineers. So the work that we are doing is complimented by our work staff and the numbers that we are generating are done concurrently. So we are not in a void, we are working diligently. The numbers we have are just preliminary. In reference to the roads, right now, our estimates come up and we have a little over three million six hundred thousand dollars (\$3,600,000) worth of road repairs, of which Weke Road is the most substantially damaged. Weke Road is a Federal Aid road. So same as Kūhiō Highway, Weke Road is being compiled. We have done some work, estimates have been generated, and we have pushed that to Larry Dill, the Department of Transportation Administrator for Kaua'i Highways Division, and he is combining that with what they are estimating on their side. Because they are Federal Aid roads, they are excluded from FEMA assistance, so we are pushing it through Ed Sniffen, the State Highways Administrator, to Federal Highways for their disaster relief fund mechanism. That will be excluded. Right now, I am just trying to clarify whether or not we are still in the 80/20 cost-sharing mode where it is eighty percent (80%), Fed, and County, twenty percent (20%), or because it is a disaster, they will fund one hundred percent (100%). That has not been made real clear.

Council Chair Rapozo: So worst-case scenario, this is just for Weke Road that you are talking three million six hundred thousand dollars (\$3,600,000)?

Mr. Tabata: No, all of our roads. So for Weke Road alone, we have a two million two hundred thousand dollar (\$2,200,000) price tag estimate at this time.

Council Chair Rapozo: So worst-case scenario, four hundred forty thousand dollars (\$440,000) would have to come from the County if the Feds do not pick up the one hundred percent (100%)?

Mr. Tabata: Yes.

Council Chair Rapozo: Okay. Really, it is that Hanalei Town area as it relates to the County. The majority of the damage is on the State highway, but as far as Hanalei is concerned, we have Weke...

Mr. Tabata: There are other roads in the vicinity. We presently are still trying to get to...because we are in the excluded zone, from Lumaha'i to Hā'ena, we have a crew of contractors still trying to get to Wainiha Powerhouse.

Council Chair Rapozo: What does "excluded zone" mean?

(Councilmember Kagawa was noted as leaving the meeting.)

Mr. Tabata: Meaning public access is not allowed and it even restricts us from getting in. Because of the situation on Kūhiō Highway, the State Highways Division has restricted access. We have flown in a couple of times to see and we are working with a contractor and they are just clearing and not even in the recovery mode, we are still in the reaction mode over there. There is this other road in Hanalei, Kumu Road, that is a private road, but it has been determined, and I did not realize that it is part of the tsunami evacuation access roads that the elementary school uses to get out in case of a tsunami, so we are trying to organize and get all of the approvals from the private landowner to get in there and make assessments also. Then I have other roads around the County, outside of this, Kahiliholo in Kīlauea is another culvert...it is an area where we brought up the CMP pipe culverts that we have out there all over twenty (20) years old and has been failing on us, much like Pua Nani, and our estimate for that is one million one hundred thousand dollars (\$1,100,000) right now.

Council Chair Rapozo: That has no match?

Mr. Tabata: No, this is all County moneys. We are hoping that, as Councilmember Kawakami, talked about the State fund, that we can get part of that State fund to cover these costs, too. If not, FEMA. When FEMA comes in, we are still doing the assessments and it will be a reimbursement process, seventy-five percent (75%), but that money also is dependent on certain criteria, to be eligible, and that is the data we are still collecting. The moneys that we are expending right now...Councilmember Kagawa just left, but I believe that a lot of the money that we are asking these five million dollars (\$5,000,000) for is to fund us. I am looking to bring in some external professional services to assist our department, because we are limited in size, so I need a few more bodies to come in. We are working on the emergency procurement right now for professional services so that I can hire qualified firms to come in and assist us. So that is where I am expecting to spend some additional money, probably maybe five hundred thousand dollars (\$500,000) over

there, just for professional services and I will probably turn specific projects over to them to run from start to finish to supplement our staff.

Council Chair Rapozo: I know your crews have been working very hard on clearing debris, just plain debris, and I really appreciate that. The debris is being moved onto the County roadway, then we can actually pick it up.

Mr. Tabata: That, too, is not planned County expenditures, so the money to pay for that extra effort would have to come from this fund or if we can get reimbursed in the future.

Council Chair Rapozo: At some point?

Mr. Tabata: Yes.

Council Chair Rapozo: As we know from the hurricane, it is not a simple process to get reimbursed.

Mr. Tabata: Exactly.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: I want to kind of focus on Hā'ena and Wainiha. There may have not been a lot of road damage and it may...I do not know, but I would assume that your guys did an assessment on the ground.

Mr. Tabata: Yes. A majority of the work out there has been localized to Kūhiō Highway and Weke Road and now we are finding Wainiha Powerhouse Road and this Kumu Road. So those are the four (4) major hotspots that we are paying a lot of attention to.

Council Chair Rapozo: So along Wainiha and Hā'ena area, not so much? Is that what you are saying?

Mr. Tabata: At this point. Once the road officially opens and I can get more personnel in, we can do more evaluations. Starting tomorrow, and I believe Elton can elaborate more, but we have a barge service that we are going to be starting and I believe a helicopter from the National Guard is coming back to help us get more bodies out there.

Council Chair Rapozo: Okay. I know there is a significant amount of structural damage along Weke Road; is there the same amount of structural...the media covers Hanalei, but where are we out further north?

Mr. Tabata: Further north, primarily the water damage was facilitated by the landslides on Kūhiō Highway. So beyond that, that ford crossing at Hā'ena Beach Park, that is still part of Kūhiō Highway, so the State is going to have to go over there and make evaluations also.

Council Chair Rapozo: Are we seeing damages in the flood zone areas?

Mr. Tabata: So a lot of our roads in the Hā'ena area, those interior roads off Kūhiō Highway, are supposedly intact so far. I have not had crews go all the way, as I said, because we are restricted from still going in all the way. But a lot of the roads *makai* of the highway are dirt roads, so those fixes would still have to be...we bring in crushed coral and material to fill-in wherever voids have been created.

Council Chair Rapozo: So as far as you know, we did not sustain any damages in that...

Mr. Tabata: Not major damages like Weke Road. So for Weke Road, the amount of rainfall caused the whole town to flood. Driving along Weke Road, you know that the lowest point along Weke Road, that would be in elevation to the point zero is at the end near Black Pot. So it is like the whole of Weke Road *makai* became a levy and the lowest point is just there at Black Pot. What happened was the whole town that was flooded drained out through Weke Road at Black Pot Beach, so the deep foundation is basically sand. So that washed the underlay of the road and then the whole road, at three (3) different points, was lost. That, in effect, is what happened. So right now, what you see is actually not from the river; it is just because it was the low point and whole town drained through Weke Road, we created ponds over there now, so as they dry out and the water drains off, a greater amount of backfilling effort will have to be made on that road for us to then build a road up on. Then the private properties on either side will have to be backfilled, too. That is a whole different process.

Council Chair Rapozo: I guess that leads to my concern is how many of these structurally damaged properties, whether it is in Hanalei, Hā'ena, or Wainiha, how many of them were legal structures and how many of them were permitted structures? They have to be in the flood zone or in the floodway, as a lot of these properties are.

Mr. Tabata: Yes.

Council Chair Rapozo: Are we making...is someone...Planning or whoever...obviously Planning is out there.

Mr. Tabata: We work with the FEMA flood regulatory program and over the last twenty (20) years, we have been working in a community to address deficiencies. They come and we do spot inspections and we identify through our flood management program, these structures that were deficient. We have been working...we got to the point where we had addressed all of the deficiencies that we are aware of before this storm from the most recent inspection, which I believe was done in mid-2008.

Council Chair Rapozo: That is not your department, right?

Mr. Tabata: The Engineering Division oversees.

Council Chair Rapozo: So you folks work directly with the...

Mr. Tabata: The State Department of Land and Natural Resources (DLNR) has a flood management entity agency and then FEMA, so the three (3) agencies are all tied together: DLNR, FEMA, and the County. The County administers the FEMA flood program.

Council Chair Rapozo: Right, so that is your department.

Mr. Tabata: The flood management program, yes.

Council Chair Rapozo: I am well-aware. We have sent over numerous requests to follow-up, but were all of these...

Mr. Tabata: The ones that we are aware of, we have not been addressing and I believe that we had one (1) outstanding that we finally addressed about two (2) months ago. But what has happened since the initial inspection and now is like ten (10) years...I do not know...

Council Chair Rapozo: I know that the...I thought the Federal government came down and redid the flood maps more recently than ten (10) years.

Mr. Tabata: It is still in process. In fact, we have community meetings set-up for later on this year, in particular, more to discuss how the new floodplain maps affect the areas around our two (2) levies: Hanapēpē and Waimea.

Council Chair Rapozo: As far as you know, all of the concerns that the Federal government determined...did the Federal government do the inspection?

Mr. Tabata: For the flood insurance program, yes.

Council Chair Rapozo: Right. As far as you know, prior to the storm, all of the properties had been addressed by the County and all of the problems were rectified?

Mr. Tabata: That had been identified previously. If after 2008 there were more violations that we are not aware of, I cannot answer to those.

Council Chair Rapozo: Are you saying that there were violations?

Mr. Tabata: If there were violations after 2008 that we are not aware of, I cannot speak to those.

Council Chair Rapozo: I guess the question is, are there any flood violations that were identified that we were aware of?

Mr. Tabata: No.

Council Chair Rapozo: I am trying to figure out if, in fact, that has all been rectified.

Mr. Tabata: They have been addressed, yes.

Council Chair Rapozo: Addressed and rectified? Address is one thing, writing a citation, but I am talking about making sure that those concerns or those violations were cleared.

Mr. Tabata: As far as I understand, the last one was dealt with about two (2) months ago and closed.

Council Chair Rapozo: And they complied?

Mr. Tabata: They complied, yes.

Council Chair Rapozo: That is what I wanted to know.
Councilmember Yukimura.

Councilmember Yukimura: Lyle, given that the flood is unprecedented, I am thinking that we would expect some changes in the flood maps for the Hanalei area.

Mr. Tabata: I believe an evaluation will be made, but these processes take a while.

Councilmember Yukimura: So there might be a question about whether these homes can rebuild on Weke Road or they may be some higher requirements for their rebuilding.

Mr. Tabata: Yes.

Councilmember Yukimura: Given a new assessment, a post-flooding of the flood maps and the floodplains or whatever.

Mr. Tabata: The major determiner is if they are going to build in the floodway, they have to show that they are not going to create a rise and...it is a highly technical process.

Councilmember Yukimura: Right. It is very unusual to allow building in the floodway, if at all.

Mr. Tabata: Yes.

Councilmember Yukimura: So if a new floodway is defined based on the floods, then there is some question whether they would be able to rebuild.

Mr. Tabata:

Yes.

Councilmember Kawakami: Mr. Chair, I would just like to ask that we stay focused on the emergency proclamation. The issue at-hand is issuing the emergency proclamation appropriation. All of this discussion can come up later, but these guys at the EOC have been working 24/7 for the last twelve (12) days. We want to get them the funding and we want to stick to questions on the appropriation. All of this other discussion should come up later at this point. The first priority is stabilizing...just the solid waste issue in Hā'ena and Wainiha was daunting. To feed the people out there is daunting. So if we can stick to the questions on the proclamation, I think that would help these guys get out there to get the job done. Thank you, Mr. Chair.

Council Chair Rapozo:
or a question?

Councilmember Brun, do you have a concern

Councilmember Brun: I just had a question. He kind of answered mine and Councilmember Kagawa's question about what the money is going to be used for, so I just wanted to clarify that.

Council Chair Rapozo: The reason I brought that up is because I am concerned that some of the damages that was created was created because of illegal structures that may have caused more damage. I agree that is a discussion, and trust me, there will be another discussion, but I think at this point, we are trying to answer Councilmember Kagawa's question as far as...I am beginning to think that maybe five million dollars (\$5,000,000) is not enough, just in the items that you talked about, like Weke, Kumu, and the consulting for professional services—just that alone and that is not counting all of the other little roads and the things that Councilmember Kawakami just talked about, like the clearing of the roads, the feeding, the overtime, and all of these things. The real question is, is five million dollars (\$5,000,000) really enough? Councilmember Kawakami.

Councilmember Kawakami: The illegal structures is going to be vetted when FEMA does the assessment because there is a threshold on the number of houses that they have to assess as being damaged in their definition. So if it is illegal, it is not going to be part of the count. That will all be vetted as well as it goes through the process, so I think all of those things will be flushed out as part of the process.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura:
testimony.

So I have some questions as regards to Lyle's

Council Chair Rapozo:

Go ahead.

Councilmember Yukimura: I also had my previous question about the threshold for qualifying for FEMA moneys, and maybe since Lyle has raised that, I can ask that here; Lyle, what are the criteria for qualifying for FEMA moneys?

Mr. Tabata: I think that we have the experts here in that subject.

Councilmember Yukimura: I know. Can we have them come forward, Chair?

Council Chair Rapozo: Lyle, the questions right now are on the five million dollars (\$5,000,000). We have two (2) questions: is five million dollars (\$5,000,000) enough; and number two, can you spend it within sixty-one (61) days?

Councilmember Yukimura: Chair, excuse me, I am still asking my question.

Council Chair Rapozo: No, you are asking to bring up FEMA right now and we are trying to still answer Councilmember Kagawa's question.

Councilmember Yukimura: Well, the question about how much we need will depend on whether FEMA moneys...whether we can qualify for FEMA moneys or not. So that is why it is a key threshold question that I think I would like to have answered.

Council Chair Rapozo: Well, I am running this meeting and this is how I am going to run the meeting. You know the number of FEMA's threshold is irrelevant right now? That threshold, that reimbursement is not going to come in sixty-one (61) days. This declaration expires in sixty-one (61) days. We are not going to get FEMA money in sixty-one (61) days. We have bills to pay. What FEMA's threshold is, at this point as it relates to this, is irrelevant. You are asking for five million dollars (\$5,000,000) and Councilmember Kagawa has said to try to give us a better understanding...you have...you have talked about some of the major projects, and as we know...I know personally and all of us here know that in the other individual communities, we have expended significant County funds. So the question is number one, is five million dollars (\$5,000,000) enough; and number two, can we expend or encumber these funds within sixty-one (61) days?

Councilmember Yukimura: I think that is a key question and I have asked for an amendment to increase the amount from five million dollars (\$5,000,000) to ten million dollars (\$10,000,000), but I think we are trying to understand what the whole situation is. So I would like to continue asking my questions and having some answers, if I may.

Council Chair Rapozo: Go ahead, just do not ask for FEMA to come up. It is not going to happen. Just ask your questions of Lyle and Wally.

Councilmember Yukimura: Alright, I will. Lyle, I would like to know what you know are the criteria for qualifying for FEMA moneys.

Mr. Tabata: I cannot answer that, as well as the FEMA personnel here.

Councilmember Yukimura: Thank you. When you said that there is a restriction with this...

Mr. Tabata: Only for our Federal Aid road. We have only one (1) Federal Aid road right now.

Councilmember Yukimura: No, but we are not allowing people beyond...there is an excluded area. What I am wondering is why does the excluded area apply to road crews? That will attribute to our assessment of what the road needs are in the Wainiha area. Are we saying that our road crews cannot go in there right now?

Mr. Tabata: They cannot go in because there is no access. Our equipment cannot get in there.

Councilmember Yukimura: But somebody can go by foot and assess, right?

Mr. Tabata: We have sent in people as we are available.

Councilmember Yukimura: Okay. That will give us some idea of what the road repairs are needed over there, which will contribute to our assessment of how much money we need to recover and do the repairs, right?

Mr. Rezentes: If I could help, we are requesting five million dollars (\$5,000,000) today. We have fourteen million dollars (\$14,000,000) available in our reserve for this purpose that the Council has approved and set-aside for these type of events.

Councilmember Yukimura: Fine.

Mr. Rezentes: If the five million dollars (\$5,000,000) is deemed inappropriate by us in a week, in seven (7) days or ten (10) days, we will have no problem coming up here again and requesting further funds from that fourteen million dollars (\$14,000,000).

Councilmember Yukimura: You want to go through this again?

Mr. Rezentes: Five million dollars (\$5,000,000) is on the table today and we do not know exactly how much we will need, but I know that we have a means to get an emergency appropriation in addition to that five million dollars (\$5,000,000). So we will be happy to come up next week or the week after and get a quick approval from the County Council as needed.

Councilmember Yukimura: So what if you could get it now? Look at how much time you are all spending right now when you need to be out there. So why not just give you ten million dollars (\$10,000,000) if that is likely to be needed?

Council Chair Rapozo: Wally, let me answer that, because they did request fourteen million dollars (\$14,000,000). The sixty-one (61) day condition was concerning to me. Sixty-one (61) days to spend fourteen million dollars (\$14,000,000) was concerning to me on County costs, not State costs or private costs, just County costs, fourteen million dollars (\$14,000,000) in sixty-one (61) days. That is why I asked Jade to contact your office and say, "Send it across in a smaller amount," because sixty-one (61) days goes by very quick and I am not sure...we never got a response...in fact, what came back was an amended amount of five million dollars (\$5,000,000). So it is not Wally folks asking for five million dollars (\$5,000,000), they asked for fourteen million dollars (\$14,000,000). But my concern was the sixty-one (61) days that this has to be used.

Mr. Rezentes:

Correct.

Council Chair Rapozo: Like Councilmember Kagawa, we are the checks and balance. If we had to fix the State highways, that is another story. Our damages are limited to County property and you have already excluded Weke, which is one of the major projects. That is my rationale.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask, County Attorney. The sixty-one (61) day limit that Chair laid out for the record is in the Charter, so the emergency ordinance cannot go any further, everyone is bound by that. Also, the question regarding ultimate costs—we do not know...eligible costs...it is a daily assessment. What you have to do is look at all the FEMA regulations, which we have been looking at diligently since Monday the 16th or whatever it was, immediately after the disaster when we mobilized. In ten (10) days, every department is diligently trying to learn the Federal Disaster Assistance Act, Federal procurement, and the Stafford Act. We have been looking at this FEMA guidance every single day to try to look at it. It comes down to which eligible cost, whether it is labor, materials, or supplies is a direct result. You are looking at straight time versus overtime, budgeted versus unbudgeted. It is a very complex matter. Everything comes down to essentially documentation and justification. That emergency work is first due in the six (6) months post-disaster, then you move into what is called "permanent work" and that is through eighteen (18) months. So everything today, I just want to make clear for the record that we are going to provide you the best we can. We do not want to speculate because to and until we reassess and provide supplemental documentation, we have contacts with the Army Corps of Engineers, the Environmental Protection Agency (EPA), FEMA, State officials—everyone has been really good in working together and I want to proceed along that line and just say...I know that you want all the answers today, but it is impossible to give that to you. We will continue to work with you. We are happy to come back to ask for more funds, but we just need to proceed in the way that the rules provide.

Council Chair Rapozo: For me, sixty-one (61) days is the kicker. Councilmember Kagawa had a very valid question: what is the five million dollars (\$5,000,000) for and can we spend it in sixty-one (61) days? To me, reimbursement comes later. That is like filing an insurance claim.

Mr. Trask:

Correct.

Council Chair Rapozo: You do not know if you are going to get it. If you get it, good; if not, we still have to fund it. My concern right now is getting you the funds that you need to continue the operations that you do every day. That is my concern. I think the questions are very fair, and yes, we can amend it. We can put the fourteen million dollars (\$14,000,000) in there, but can you spend it in sixty-one (61) days?

Mr. Trask: Really, what you are looking at, even though State procurements have been set aside because of the Governor's Proclamation, we still have to follow Federal procurement guidelines. If it is below one hundred fifty thousand dollars (\$150,000,000), we need to get three (3) bids. There are certain things that we need to do; otherwise, we risk not getting compensated on the backend. It is not as fast as we would like and there are still rules.

Council Chair Rapozo: That technical part, we leave that up to you folks. I am just trying to say the Councilmember Kagawa's question was fair because there is that deadline for this money. Obviously, if there was no deadline, we would just give it all, but that is not the case right now. Councilmember Yukimura.

Councilmember Yukimura: The sixty (60) days is important, so the question is, how much money do you need that you can encumber, not spend but encumber, in sixty-one (61) days? Wally, is five million dollars (\$5,000,000) what your administration is saying you need or is it more?

Mr. Rezentes: We do not know what we are going to need ultimately.

Councilmember Yukimura: I know you do not know.

Mr. Rezentes: We know that sixty-one (61) days...ideally, we would not want to have had it in there. Can we overcome it? Yes. What we can do is come back...I mean, I do not want to come back ten (10) times to reestablish the sixty-one (61) requirement, but I think we can get a good barometer on how we spend down in this next two (2) months and assess. If we need to come back, we know that we can quickly come back to the County Council and request for approval. We are just starting and we want to work well with our Council partners. The Administration is okay initially on the five million dollars (\$5,000,000). We can work with that for now. If we need to adjust, we will come up this week, next week, or the week after as we believe is necessary to provide us with additional funds. We are just starting now.

Councilmember Yukimura: I know, but it is not like regular response. There is so much need out there and we should be ready to address that need. If we do not get reimbursed, then by Feds, we do not have to worry about the extra Federal procurement. So that is why knowing the likelihood of getting Federal reimbursement does govern or will influence how we are responding right now and that is why I think it is important to have the overall context, but it is getting very hard to get to that point in this meeting. I did not get your answer about how we are

going to get the assessment of road repair needs in Wainiha. Can we get it with people going on foot to assess? Is that included in the five million dollar (\$5,000,000) request right now or in your estimate of trying to determine public...

Mr. Tabata: It is not included.

Councilmember Yukimura: Okay. So it could be big or small, but we do not know what that is...

Mr. Tabata: We are working on that presently. I have a crew going in today and tomorrow to do the assessment.

Councilmember Kagawa: He already answered that actually.

Councilmember Yukimura: Then I would like to know what your assessment of the solid waste costs.

Mr. Tabata: The solid waste costs...

Mr. Trask: Wait, hold on—let me break that up. When you ask about solid waste, it is not just one thing.

Councilmember Yukimura: Excuse me, is this a legal opinion?

Mr. Trask: Yes, it is a legal opinion and it is based upon FEMA guidance.

Council Chair Rapozo: Hold on.

Councilmember Yukimura: Alright, go ahead then.

Councilmember Kagawa: Mr. Chair, she needs to calm down. This is kind of frustrating. To act the way you are acting right now, you are pressing the panic button and this is no time to press the panic button.

Council Chair Rapozo: Hold on, stop.

Councilmember Yukimura: I am just asking how are the solid waste costs figured into your request for money?

Council Chair Rapozo: Mauna Kea, please respond...

Councilmember Yukimura: I am not asking...

Council Chair Rapozo: Councilmember Yukimura...

Councilmember Kagawa: You are pressing the panic button.

Councilmember Yukimura: I am not pressing a red button, it is a very legitimate question.

Council Chair Rapozo: Recess.

There being no objections, the meeting recessed at 10:12 a.m.

The meeting reconvened at 10:20 a.m., and proceeded as follows:

Council Chair Rapozo: Let me try to bring this all back—we are here to talk about five million dollars (\$5,000,000) in emergency funds and that is what we are going to discuss. If you have any questions about the five million dollars (\$5,000,000), if that is enough, we are not going to discuss any of the other stuff. This is an Emergency Bill and that is all we are going to discuss, whether or not the five million dollars (\$5,000,000) is enough, is it too much, whether or not you can spend it in the allotted time as provided or is required by the Charter. That is where we are going to go. If you cannot deal with that, Members, then I would ask that you leave. I am not going to sit here today and debate with Members on an Emergency Bill. If you cannot comply with that simple rule—let us focus on the five million dollars (\$5,000,000)—then let us not participate. I want to get this done in the next ten (10) minutes because I think we have covered everything and we will come back with a briefing from you folks at some point. Right now, everybody out there is running around, trying to fix stuff, all of the Administration, and we appreciate that. Today is very simple. I have allowed Councilmembers to go a little outside, but apparently I cannot contain that. So this is the deal—we are going to talk about the five million dollars (\$5,000,000) and anything outside of that, I am not going to allow. If you cannot handle that then I am going to ask you to leave now. If you choose not to leave and you choose to argue and debate, then I will use my authority under 3.07(D) to remove you. It is going to be that simple, because I am not going to sit here and play this game. We have seven (7) Members and seven (7) Members need the opportunity to share in this discussion on the five million dollars (\$5,000,000) and that is what is going to happen. With that, any questions for Lyle? Councilmember Brun.

Councilmember Brun: Lyle, as part of the five million dollars (\$5,000,000), because I know the questions were brought up...myself and Councilmember Kagawa had the same questions...so roads is about three million six hundred thousand dollars (\$3,600,000) and then we are going to help fund workers...I know you folks are out there...I went out to Hanalei yesterday and there were a lot of workers out there still going. It is just to cover up the expenses for now...so five million dollars (\$5,000,000) is just for now, and Wally, you said that you folks can come back in two (2) weeks or whatever and get more if you need it, right?

Mr. Tabata: Yes. The sixty (60) days is the key. You can only spend so much a week, so that is reasonable. The five million dollars (\$5,000,000) will get us to the next step. Then as we determine where our additional funds can come from or will come from, if we need more, we will come back, as prices that we create or costs that we create are refreshed and sharpened and we know more closely what we need.

Councilmember Brun: I am satisfied with the explanation of what you folks are going to do with the five million dollars (\$5,000,000). I just do not want us to go up to ten million dollars (\$10,000,000), because I will not support that; I will only do five million dollars (\$5,000,000) today. We are using it for stuff that is not to do with the storm. I am happy with your explanation.

Mr. Tabata: So the money that we are asking for is just isolated to the affected areas. The rest of the island that was not affected is business as usual.

Councilmember Brun: Okay, I am happy with that and I will be willing to support this.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: So the categories that are covered by the five million dollars (\$5,000,000) would be roads, solid waste, overtime, and what else?

Mr. Trask: Just to use FEMA's terminology, so for the emergency work, this addresses immediate threat, so debris removal and further emergency protective measures. Hā'ena is still going to rain. There are still all of these issues regarding the environment.

Councilmember Yukimura: Excuse me, Mauna Kea, but how does FEMA regulations affect County five million dollars (\$5,000,000).

Mr. Trask: Because we want to seek as much reimbursable costs of this that we can. We have to proceed with the hope and assumption that we will get a declaration from the President or that we will be eligible for public assistance moneys.

Councilmember Yukimura: Alright, but we are not just thinking about FEMA. We are thinking about the needs that are out there in the community that need to be addressed and this five million dollars (\$5,000,000) is not restricted to what qualifies for FEMA.

Mr. Trask: We understand that.

Councilmember Yukimura: Okay, so given that, what are the elements...this money is the first money we get to respond. What are our needs out there? They are really great. Solid waste is huge, so how much money are we needing for solid waste? That is the question. How much money are we needing for roads? Three million six hundred thousand dollars (\$3,600,000), but if you do not know what is out there in Wainiha, then three million six hundred thousand dollars (\$3,600,000) may not be the total amount. What about overtime? Have you done estimates for overtime? What else? FEMA is not the criteria. The criteria is what are our needs out there for public response, County response, and are we covering it adequately with this five million dollars (\$5,000,000)?

Mr. Tabata: We are just coming off of clearing and we are setting up for debris removal. We made sure our roads are clear to traverse. Now, we are at the point where we are setting up the debris removal. So those finite costs that you are asking for are not available. We cannot get it as tight as you appear to be asking for.

Councilmember Yukimura: I am not asking for tight.

Mr. Tabata: We have estimates, and yes, in the sixty (60) days we can move forward in the way...with the funds that we are asking for.

Councilmember Yukimura: When I was working with the Keālia farmers on Sunday, they were clearing the ditches and there were huge amounts of Albizia debris. So they were stockpiling that on a large lot and I have a video tape of all of those piles and I called Allison and she said, "Talk to Calvin Brown," and then they finally said that they would send a dumpster that they had contracted with somebody who provides those huge bins. If we already have contracts with them, we must have some idea of what we are covering. They needed those bins yesterday. What kind of costs are we looking at that?

Mr. Tabata: In addition to those bins...

Council Chair Rapozo: Lyle, I have heard the Administration tell us on numerous occasions that that number is unknown.

Mr. Tabata: Yes.

Council Chair Rapozo: We can ask that question ten (10) different ways and the answer is the same. You cannot tell us what the number is right now. What I am hearing from you is that the five million dollars (\$5,000,000) is sufficient for the next sixty-one (61) days.

Mr. Tabata: Exactly.

Council Chair Rapozo: You cannot tell us how much is for roads. You pinpointed a few of the projects. You cannot tell us how much for debris removal. I totally understand that and I can accept that. The number is unknown so let us not ask that question. Their response has been stated several times and they cannot give us that number. Let us move on.

Councilmember Yukimura: My question was not different from Councilmember Kagawa's question. That is what he was asking.

Council Chair Rapozo: You know what the difference is? They answered Councilmember Kagawa's question and he has not re-asked the question. That is the difference, Councilmember Yukimura.

Councilmember Yukimura: You have given us an estimate on roads, three million six hundred thousand dollars (\$3,600,000) and we know it is not enough. That

is a ballpark figure. We are not asking for absolute documentation and going to hold you that if you go one penny over it that we are going to get angry. The nature of damage assessment is estimates.

Mr. Tabata: Right now, my field operations manager is out there estimating the size of the piles and total cubic feet of standing piles and he is supposed to be getting back to me with an estimate of what we are looking at. They worked through the weekend and the beginning of this week to see how and they maneuvered a crew to then expedite removing refuse from the inaccessible area, and they did that. We brought the material out and we got it out and that was the first step. Because we are getting all of these work crews out there, we are evaluating how much we are up against. For the larger material, the Albizias that you speak to, I have asked our staff to look into working with Green Energy to have them come in and harvest it for fuel. We have a host of different operational staff members out there looking at different options right now.

Councilmember Yukimura: That is excellent.

Mr. Tabata: But the total cost is dependent on, as Mauna Kea stated, we are working with the assumption that we will eventually get FEMA funding, so the guidelines we are using are based on that.

Councilmember Yukimura: I am hearing that it is going to very difficult to meet FEMA criteria.

Mr. Tabata: We do not know that.

Councilmember Yukimura: Even if on the solid waste issue...I have a picture, too, working in Anahola on Saturday, there is this mountain of Albizia trees against the bridge in Anahola. I do not know what the assessment is in terms of safety. I think the Department of Transportation has been doing the assessments, because they went to Kalihiwai Bridge and checked it out. That is good...but what if Green Energy does not come and get it at all? Do we have a contingency plan where we do the chipping or we pay a contractor to do the chipping and...

Mr. Tabata: I am going one step at a time.

Council Chair Rapozo: Lyle, I am not going to repeat myself.

Mr. Tabata: Okay, thank you.

Council Chair Rapozo: I just said that we are not going to get into the technical...we are talking about the money. She asked a question and you said that you do not have the figure. Councilmember Kawakami.

Councilmember Kawakami: The questions that are coming about regarding solid waste are...the level of complexity dealing with it, when they say that they cannot give you an estimate, maybe I can give you a tangible example of what they are dealing with—one, you have a community that is cut off from the rest of the

world as far as accessibility. So now they have to go out and get all of this household trash and they have to secure a sight to stage this household trash, and then they have to look at it and figure out how many loads is going to be flown out by a helicopter, because that is the only way, which is to fly it out. So there is one hundred sixty (160) loads being flown in and out, each carrying eight hundred (800) pounds, and then you need a crew to go up to all of the abandoned vacation rentals to make sure that no household trash is left behind. So the number that you are asking for, Councilmember Yukimura, is hard for them to give an answer because the level of complexity with the solid waste issue at this time is just something that we have not seen before. So you are asking a question that is hard for them to answer. In all fairness to them, unless you are actually out there, it is hard to fathom. Thank you for volunteering at Anahola and Keālia, but for this particular issue, it is hard for them to put a number...

Councilmember Yukimura: Well...

Councilmember Kawakami: Can I finish, please?

Councilmember Yukimura: Sorry.

Councilmember Kawakami: The EOC is open to any Councilmember, from what I understand, to attend 6:00 a.m. briefings so that you can get the information. I think the level of frustration that is happening is that the EOC has a 6:00 a.m. briefing and they are giving out the action plan for each day as it evolves. The night crew is out there working to formulate the plan based on the data from the day before. So I think moving forward, we could do a better job in answering our own questions just by being active participants in the information that is being disseminated to everybody. That is the only way I think that we can be efficient in our decision-making and getting our answers is showing up to those meetings. That is the one-stop shop for information. That is all I have to say, Mr. Chair. Thank you.

Council Chair Rapozo: Also, we get the E-mail every day where we get an update of the briefing, which I appreciate. We get to read everything that was discussed at the briefing because it is on paper. Honestly, maybe we are not all reading it, but we should be, and I agree, because there is a lot of information that is disseminated at the 6:00 a.m. briefing. We do get the updates every single day and multiple updates throughout the day. Councilmember Kagawa.

Councilmember Kagawa: Lyle, I heard the verbal three million six hundred thousand dollars (\$3,600,000) for Weke, which is a Federal collector road...I think Federal Aid road means that it is not the full three million six hundred thousand dollars (\$3,600,000), right? We are available to get Federal moneys, right?

Mr. Tabata: Yes.

Councilmember Kagawa: So of the five million dollars (\$5,000,000), do we have anything in writing that says these are what it is for?

Mr. Tabata: Yes, I have...

Councilmember Kagawa: Can we have it?

Mr. Tabata: I have fourteen (14) items listed right here, just for roads and culverts and bridge.

Councilmember Kagawa: And a lot of those are just estimates?

Mr. Tabata: It is just estimates. As far as I have been told, the only major County structural asset building wise is the Black Pot comfort station.

Councilmember Kagawa: For me, I am kind of uncomfortable not having something in detail on paper. Five million dollars (\$5,000,000)...I have heard Councilmembers say, "Why do we not just give you the entire fourteen million dollars (\$14,000,000)?"

Councilmember Yukimura: I did not say that.

Councilmember Kagawa: I am that free with millions. Five million dollars (\$5,000,000), for me, is a lot without any paperwork. My preference would be that I would rather take our time, fix the job the right way, rather than rush, spend money and say later, "You know what, we should have done this instead." For me, I take my finger off the panic button in times like this. I pull it away from the panic button. I go opposite...maybe I should take Aikido like Elton. I am a little uncomfortable not having something on paper. I want something on paper that we can at least hold you folks a little bit accountable. When the five million dollars (\$5,000,000) gets done and you say, "Okay, I need five million dollars (\$5,000,000) more" so that we do not have to have Gina hounding you folks as far as, "Where did the money go?" I think when we have something upfront, she feels more comfortable and I feel more comfortable. For me, not having something on paper with a one-day request like this is a little bit difficult.

Council Chair Rapozo: Can you make that available, Lyle?

Mr. Tabata: Yes.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Lyle, so that paper of the categories or items that will be covered, do they have monetary equivalence on it?

Mr. Tabata: Yes, we have cost-estimates.

Councilmember Yukimura: Okay, that is excellent. Thank you.

Mr. Tabata: We have the scope and the cost-estimates.

Councilmember Yukimura: The one hundred sixty (160) airlifts of garbage or whatever that...I am sorry if I...whatever that Councilmember Kawakami described, how much is that costing and who is paying for it?

Mr. Tabata: For that, I need to defer to Finance.

Councilmember Yukimura: If that is a cost for us, then the five million dollars (\$5,000,000) might be gone...I do not know.

Mr. Tabata: That is part of the whole process that we...

Councilmember Yukimura: But one hundred sixty (160)...you can already tell me if you know the per transfer cost, you can already get some ballpark figure about what that operation cost already. It is like money gone.

Mr. Tabata: I do not have that with me right now, but we can get it.

Council Chair Rapozo: Thank you.

Councilmember Yukimura: Okay.

Mr. Tabata: We have a whole Finance Department there in the EOC that is calculating daily our burn rate...

Councilmember Yukimura: Well, then you should have it.

Mr. Tabata: I believe they can get that.

Councilmember Yukimura: Okay. So there is no public cost that you anticipate for Kōloa, Keālia, and Keapana then?

Mr. Trask: No.

Mr. Tabata: I am not saying that. It is all part of this...I have multiple projects. My list here includes projects for the whole island.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Any other questions? Councilmember Kagawa.

Councilmember Kagawa: Lyle, I know we mentioned a little bit about that private road we were talking about that we say we use for emergency access and stuff, but as a whole, are we setting up a priority list so that at the end of the day, when things get fixed, we can see, "Okay, we worked off this priority list," and I am just putting it out there that perhaps fixing the County stuff first before we go fixing private roads may be something that on the priority list would trump the non-private roads. I do not want us to make these decisions that perhaps somebody from

engineering feels that it is important, so they hand in the work and say, "Okay, let us pay for it," but in hindsight, when we run out of fifteen million dollars (\$15,000,000) and we say, "Why did these County things not get fixed? We were able to fix some of this private stuff." I want to make sure that we have a priority list of your fourteen (14) projects, which more are probably going to get added and the priority list may change, but I think this working together with the Council would be good as we go through the whole fourteen (14) at some point.

Mr. Tabata: Yes.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: So one of the really big needs out there is help for families and farms that need money now in terms of rebuilding and so forth and none of this money is going to be covered by this five million dollars (\$5,000,000), right?

Mr. Tabata: I defer to the Administration. My area is the infrastructure, like the roads and bridges.

Councilmember Yukimura: Okay, if there is somebody else that can answer that question, that would be good.

Mr. Trask: I do not know if we can answer that based upon what you just said. We would have to see a description of the area, the damage that resulted, the justification as to why. Like Councilmember Kagawa said, we have to look at the big picture, identify what are the disaster areas, and what is or is not compensable. It has to be in our mind. I am not saying that we are not spending money on non-FEMA reimbursable; I am just saying that we have to understand what is and what is not, where we are going to, and how we prioritize. That is the big thing.

Councilmember Yukimura: All I am saying is that there is a need out there. In fact, you folks have been assessing some of that need as part of trying to qualify for Federal moneys, but that is a need, it needs to be addressed, and my question was whether any of this five million dollars (\$5,000,000) could cover it or if the County is planning to use any County money for that thing...I do not think so. If not, how are we going to address that as a community? I believe that if we qualify for FEMA, there is some of that kind of personal assistance. I hope we are going to get to that question when we ask FEMA to come and speak.

Mr. Trask: There are two (2) tracks: there are public assistance and individual, but they are separate right now and those assessments are proceeding on their own course.

Council Chair Rapozo: Let me just say this...my vote today is on emergency money. It is on taxpayers' funds to go fix emergencies. I understand that

there is a need out there for all kinds of stuff. There are also all of these outside agencies, like community foundation and Kaua'i Economic Opportunity that have moneys that are going to be going out for housing. Please tell me that these funds are going to be used for emergencies; in other words, the roads and the trash, and that these funds are not going to go—trust me, I would love to give the farmers money, but I do not think these emergency funds are to be used for anything other than County emergencies. Please do not tell me that you folks are going to be assessing and “so and so is going to get ‘x’ amount.” These funds are emergency funds. That is why the sixty-one (61) day requirement is in the Charter. This is not to go and provide public assistance. This is for this County to operate under conditions like this to get the roads open, to get the facilities open: “emergency.” That is why there will be no public hearing. This is because you folks use these moneys for emergencies only, not for casual spending. I need to know that right now before I vote.

Mr. Rezentes: It is for emergency purposes for flood-related damages.

Council Chair Rapozo: Thank you.

Councilmember Kaneshiro: I do not want to get off-subject, but to answer Councilmember Yukimura's question on farmers, I do not think it is the County's prerogative to help farmers out. If farmers have a need, then they should contact the Farm Bureau and the United States Department of Agriculture (USDA). USDA has a lot of programs for natural disasters for farmers, but again, this is not related to what we are talking about.

Council Chair Rapozo: Again, if you want to extend out to help non-County entities, then I can see why the five million dollars (\$5,000,000) might not be enough. I am not even considering that right now. There are other avenues of support and recovery and assistance in the private sector, like Zuckerberg, and all of these other guys that are donating money for different purposes. This money is for emergencies and I do not take this lightly. Believe me, I have seen what you folks have done and there are all emergency. That is what this money is for. This money is not for, “Here you go and use it for what you want.” I did not get that from you...I read the proclamation and your request memorandum and I did not even think about that angle. I need to know and I heard you, Wally, so thank you very much and that helps. Councilmember Kawakami.

Councilmember Kawakami: I think Councilmember Kaneshiro covered it. Furthermore, just part of the appropriation coming from the State Legislature covers agricultural infrastructure. It does not cover equipment or any other costs except for State agricultural lands and farmers on State agricultural lands and agriculture infrastructure. Thank you.

Council Chair Rapozo: Thank you. That helps. Councilmember Yukimura.

Councilmember Yukimura: Yes, I do not think it is appropriate to use that money for personal needs and for the kinds of needs that I see out there, but somebody

needs to cover it and maybe, Chair, we can have another agenda item for that. The crossover is actually in the FEMA coverage, which does cover that to a certain extent if there is a federally-declared disaster. We need to try to get that because it will help many, many people if we can get that. I am trusting that eventually today that we are going to hear from FEMA.

Mr. Trask: I just want to make clear...you are right...the access to information is very important at this point, but at the same time, we want to manage expectations and not confuse the public with what is or is not available and how much is and is not available for that.

Councilmember Yukimura: That is right.

Mr. Trask: The County is looking to set-up as soon as practicable. They are called "DRCs," "Disaster Recovery Centers" and there are satellite offices that will be set-up, likely at neighborhood centers, where people will be able to access individually representatives from State, Federal, as well as private to see what kind of programs. The Office of the County Attorney has been working with the Hawai'i State Bar Association, for example, to bring over volunteer attorneys from across the State to go give people pro bono insurance advice. So those are the type of things that I just do not want to confuse the record and make people think, "Oh, I am going to get all of this money from FEMA," where the USDA is the more appropriate avenue and there is no duplication of Federal fund and dispersing. I want the takeaway to be from this meeting to be clear...Chair is correct, we are talking about five million dollars (\$5,000,000) for emergency disaster-related expenses and costs associated therewith. I do not want to conflate things and say that we are going to do something improper, private, or what is available through the programs.

Council Chair Rapozo: That is why I asked that question.
Councilmember Yukimura.

Councilmember Yukimura: Yes, I think in discussion of it, it is very important to clarify that that is not going to be covered, but that there are these other ways to be covered because that is what is needed. So you think that even though you have no estimates or you...well, the only estimate I have heard so far is three million six hundred thousand dollars (\$3,600,000), but you do not have other estimates that the five million dollars (\$5,000,000) is the maximum amount that you will be able to encumber in the next sixty (60) days?

Council Chair Rapozo: Again, they have answered that question numerous times, Councilmember Yukimura.

Councilmember Yukimura: Excuse me, but can I just hear a "yes" if that is the case? That is the maximum amount of money that you will be able to encumber for your needs in the next sixty (60) days.

Mr. Trask: No, we cannot answer that question. If that was the impression...

Councilmember Yukimura: Well, then I cannot determine whether...if you cannot answer that question...you cannot say "yes" or "no?"

Council Chair Rapozo: Mauna Kea, that question is not for you. Wally? I heard you say that this is a good start and I heard you say that this is what we can work it and that you can come back when you need to. That is what I heard you say several times today.

Councilmember Yukimura: So the answer is "yes?"

Mr. Rezentes: We do not even have a real solid ballpark figure of what we are going to need. The five million dollars (\$5,000,000) is a good start for us. It is our working capital to address the repair, maintenance, and emergency needs that are all attributable to the flood. We can come back at a later time and provide updates to you when and if we need additional funds or if the Council desires to have further discussion. It is moving every day. Quite frankly, I wish our guys were back at the EOC and working. Councilmember, we will try to give you as much information as you want to make intelligent decisions for us, but I can tell you that the moneys are needed, it is going to be well-spent, and we want to spend it as soon as we possibly can. I cannot guarantee you that five million dollars (\$5,000,000) will be spent in sixty (60) days.

Councilmember Yukimura: Okay, I said it is maximum amount. I am taking your answer as a "yes" or "I do not know" and therefore I am not going to introduce this amendment to increase the amount to ten million dollars (\$10,000,000).

Council Chair Rapozo: Thank you. Any other questions? I know that we talked about the compliance with the FEMA requirement, but if a need arises that obviously would not meet the FEMA eligibility requirement, that would not stop you from doing the service, correct?

Mr. Trask: No.

Council Chair Rapozo: Thank you. FEMA, can you come up?

Mr. Ushio: Before bringing up our FEMA representative, I wanted to introduce members from the Hawai'i Emergency Management Agency. First and foremost, Administrator Tom Travis; Lorinda Wong Lau; and Vern Miyagi.

Council Chair Rapozo: Thank you all for being here. We need to take a caption break, so let us take it right now. Sorry about that. We will take a caption break and come back.

There being no objections, the meeting recessed at 10:52 a.m.

The meeting reconvened at 11:09 a.m., and proceeded as follows:

Council Chair Rapozo: The rules are suspended. Are you folks going to do a presentation or something?

TOM TRAVIS, HI-EMA Administrator: To the degree that you want one, I am going to give a brief introduction and then introduce people that can answer questions. We certainly do not want to waste the Council's time, so we will try to limit our remarks and make sure that the mostly we respond to questions. I am going to start with something that probably everyone knows and I am going to do it to set the conversation. When the Mayor requested...

Councilmember Yukimura: Did you give your name?

Mr. Travis: I am Tom Travis, Administrator of HI-EMA.

Councilmember Yukimura: Thank you.

Mr. Travis: When the Mayor requested to the Governor that the Governor make a declaration, what the Mayor was doing was telling the Governor that Kaua'i no longer could handle the situation with its own funds and its own resources. If the Governor goes to the President and asks the President for a declaration, the State of Hawai'i is telling the President that the State of Hawai'i is no longer capable of handling the casualty with its resources and its funds. The reason that is important is because one of the things my organization does, one that I am going to mention today...there are some other things, but one of the things it does is call to request for assistance. When Elton needs something, a Black Hawk helicopter, four (4) National Guardsmen to provide security around the food site, a barge...when he need something, he writes a request for assistance and the Hawai'i Emergency Management Agency is then the organization that by Charter is supposed to organize that request so that it comes back to Elton in a way that is useful. So by keeping track of those requests for assistance, we are keeping track of the requests that Kaua'i had to ask outside of the County that need to be funded so that accounting is part of the process that we provide. The second thing that my organization does, in this particular type of casualty, is we organize what is called a "Joint Preliminary Damage Assessment." That is an assessment done by county, state, and FEMA personnel with an additional personnel from the Small Business Administration (SBA) and they determine what the costs of this casualty will be. As those costs increase, they may cross the threshold and if they cross the threshold—and I am not talking about infrastructure and the things you folks have been talking about this morning—if they cross the threshold for public assistance for infrastructure, then the government has a strong case to ask the President for a declaration of emergency. If we fall short of that threshold, the Governor can always ask the President for that, but it is likely that it might not be approved. That is one thing that the Joint Preliminary Damage Assessment does. Finally, there is a second part of the Joint Preliminary Damage Assessment that involves individual assistance, which is homes destroyed, property damage, and personal things that affect the people. If the Governor goes to the President, he will request a declaration from the President in two (2) areas: one, public assistance; and the second, individual assessments. In public assistance, the primary thing that will determine whether the President will consider it or not is if we do meet the threshold, which in all indications, in this

casualty, we are going to meet. The second thing that on the individual assistance, there are I think seven (7) traits that the casualty has to have that are the basis for asking for a Presidential declaration for individual assistance. Of those, one of the traits is the total number of homes destroyed. That number is high enough that it is likely that we are not going...it is possible...we do not know yet because we are still doing the assessment...it is possible that we will fall short of that number. That number will be a combination of homes destroyed both on O'ahu and on Kaua'i. If individual assessment is granted, there are certain programs that are available. If individual assessment is denied by the President, then those programs would not be available; however, the Small Business Administration loans to rebuild would still be available if we make the request to the President even though it is denied. There are some legalities in that, but that is essentially the way it works. I am not going to go into what all of those are, but I will summarize briefly to say that even if it were granted, individual assistance is often less than meets the eye. It really does not meet many of the citizens' expectations of what they need to recover. That is the general overview that I would like to have. I am going to let Vern go through, in more detail, how these processes work, and then Lorinda will go through when Vern is done, assuming you are still interested. She will go through of where we are tactically in the process and what has happened in the day-to-day "what we know now and what we do not." I am going to go back and sit down and bring up our FEMA colleague. I wanted to do this introduction though before I brought the FEMA colleague up because he is going to have to answer every question if the State asks for a declaration and if the President decided, then he can tell you what the answers to the question is. In every case, his answers are going to be predicated on those two (2) issues. If you do not have questions for me, I will go ahead and let Vern begin.

VERN MIYAGI, HI-EMA Volunteer: *Aloha.* My name is Vern Miyagi. I am a HI-EMA volunteer for this. I got asked to participate. Years ago, I participated in 'Iniki, so I started my career in 'Iniki and I am going to end my career probably with this thing, so it is good to be on Kaua'i again. Anyway, let me take you through what the process is. I have passed out some handouts. If you take a look, it starts with this one. This is the process and let me take you through where we are today. The incident occurred around the 14th and 15th of April. We did all of the response missions and life and safety missions that Elton talked about, and as we slowly recovered from that, we started to do the County assessments. This was done by County personnel and Red Cross also participated and it was particularly difficult because of getting into areas, like for Wainiha and Hā'ena, we could not get in there, so the County could not get in there. Again, we did that. The State comes in later on and they work with the County to verify that. Then the Governor calls FEMA, like Tom said about the Joint Preliminary Damage Assessments. That is a team of FEMA personnel, County personnel, and State personnel and we go through each of the identified areas, both homes for the individual assistance and capital projects and highways, and project areas led for the public assistance. That is ongoing right now. We expect this to be done probably by Friday and I will take you through the timeline on expectations on that. That is where we are, we are on the fourth step in that list. Now, once we finish, we anticipate the JPDA process done by this Friday, and then the reports compiled by FEMA hopefully by the weekend. By May 1st, which is Tuesday, we anticipate a Governor's request going into FEMA for both individual assistance and public assistance. So that will go forward. As far as the timeline for

FEMA, that is reviewed by FEMA Region IX in Oakland, goes forward to the President...goes to national, President, and then comes back. I cannot address that part, but I know FEMA Region IX, Bob Fenton, the Administrator, has been here on Kaua'i. He was here on Friday and he has confirmed to us that they will do their best to expedite the process. So I got that personally from him. Hopefully, again, the process, we look at...we anticipate, based on historical views, probably about May 10th, about that timeframe to get a presidential approval. That is an estimate on our part. The one thing that I want to emphasize is that because we do not have a presidential declaration now, that does not stop us and does not stop the emergency process. The public assistance grant, for example, is a reimbursement grant. We do the charge out there to save the lives and take care of the people through Elton and the County personnel, and then file for reimbursement after we get the declaration. It does not stop the effort. I just want to make that clear. Any questions on the process?

Councilmember Yukimura: I have a question and I think it actually goes back to what Mr. Travis was talking about. So the Federal declaration is divided into two parts: one is public assistance, and one is individual assistance. Is that correct?

Mr. Miyagi: There is really another part that the Governor will also request for State Small Business Administration loans.

Councilmember Yukimura: Okay, so there are three (3) parts?

Mr. Miyagi: Yes.

Councilmember Yukimura: The public assistance is for public infrastructure, response, and recovery?

Mr. Miyagi: Correct.

Councilmember Yukimura: So does it appear that we will be able to meet that threshold?

Mr. Miyagi: In FEMA, we use the word "indicators." As far as the public assistance, the County-level is about two hundred sixty-six thousand (266,000) as far as the indicator. I think the County has verified that we are well in excess of that. Statewide is another requirement, one million nine hundred thousand (1,900,000). I think Statewide, we are well in the excess of that. Again, we have to verify all of those project estimates and put that in.

Councilmember Yukimura: Yes.

Mr. Miyagi: Again, it is a request for presidential declaration. I cannot say that it will be guaranteed, but it looks good for that.

Councilmember Yukimura: Okay. Then there is the individual assistance, which is to families, farms, et cetera and there are seven (7) indicators or

traits, but that is a separate one and it sounded like...I do not know the level of assistance, even if we qualify, but it probably is below the need we actually have.

Mr. Miyagi: Let me be blunt on this, this will not replace your home. We have to make an understanding that this will not replace a home that has been destroyed of major damage. If you look, there is another attachment in that handout that covers individual assistance and that will give an indication of what is available if we get that.

Councilmember Yukimura: Okay. Thank you. The third one is SBA loans?

Mr. Miyagi: Yes.

Councilmember Yukimura: Low-interest SBA loans?

Mr. Miyagi: Yes.

Councilmember Yukimura: For both families and entities like farms?

Mr. Miyagi: I am not sure about farms...

LORINDA WONG LAU, Chief of HI-EMA Disaster Assistance Section: No, the Small Business Administration loans...so what happens is the Governor will ask for individual assistance...

Councilmember Yukimura: You might give your name...

Ms. Wong Lau: I am sorry, I am Lorinda Wong Lau. I am the Chief of the Disaster Assistance Section for the HI-EMA. So my staff handles all of the Federally-declared disasters. So when we request for individual assistance, we are going to ask for all Federal assistance for individuals, including the Small Business Administration. So that means if the President decides that we cannot get FEMA's program for individual assistance, the SBA can immediately step in, which is what we want to happen so that we get some kind of Federal assistance. When we talk about individual assistance under the Stafford Act, we have to remember that the Stafford Act does not...their goal is not to bring you back to where you were before the disaster. "Habitable" is the word they use. Can you live in the house? So they are going to look at what kind of insurance there is, whatever kind of programs, what kind of assistance you are getting from the Red Cross, and then what are the unmet needs, and that is a really key word for them, a key term. After they subtract all of that, what is still needed? So if we do get their money, they are very specific as to what the money is to be used for. It could be as specific as, "You get to replace your sofa and this is the amount of money to replace it." So there will be a lot of guidelines that will come through and as we have seen in other disasters, sometimes people did not follow those guidelines and had to give the money back. So we want to make sure that no one ever gets put in that kind of position. We have to be very careful in how we use that money.

Council Chair Rapozo: I am going to interject real quick, only because the item on the agenda is the five million dollars (\$5,000,000) emergency money and I am hoping that the Administration and their community town meetings as they are going around and hopefully in conjunction with your agencies are informing the public what needs to be done. I do not want to get too far off track again. I appreciate you folks being here, but we have to really stick...I am surprised that the Attorney did not jump up yet and tell me to get back to the agenda, but we really have to focus on the five million dollar (\$5,000,000) request.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Any other questions? If not, thank you very much.

Councilmember Kagawa: I have one.

Council Chair Rapozo: Okay, go ahead.

Councilmember Kagawa: This one is for FEMA. I went through the hurricane, like everybody else, in 1992, where the devastation from Hurricane 'Iniki was bad on the homes on the west side, where I lived, and I remember that there were some of us that had the insurance coverage and there were some of us that did not that would help us to repair the roofs and what not. I remember FEMA, in many cases, helped a lot of those families. Maybe we had enough homes damaged, so we qualified that year, but I remember that FEMA gave grants that were really helpful to help replace those roofs that were damaged. I am wondering now that I am hearing that FEMA is less giving in these crises, what happened? Is that true that there is less money that FEMA has to help with these type of disasters? I am just worried about those that do not have substantial cash or do not have the flood insurance coverage or what have you; has that assistance from FEMA that used to be there in 1992 disappeared?

Mr. Miyagi: Let me say one thing, Councilmember Kagawa—for 'Iniki, we did qualify for Individual Assistance (IA). That was the last time Hawai'i qualified for an IA because the damage was so widespread. As far as the winding down of funding, I cannot address that on the FEMA side, but we did qualify the last time.

Councilmember Kagawa: So we qualified the last time, and then this time if we do not, then there will not be the type of grants available?

CASEY DESHONG, FEMA: Casey DeShong, I am with the Federal Emergency Management Agency. If there is a declared disaster, an IA is approved. Survivors would call and they would register with FEMA and we would be able to provide rental assistance or a minimum amount of money for home repair that perhaps was not covered by the insurance, because we are prohibited from duplicating benefits. After they have registered and received that assistance, they would be immediately referred to the United States Small Business Administration to see if they are eligible for a low-interest loan. Those low-interest loans are really

the main mechanism that survivors use to help on their recovery, because the assistance that FEMA provides is really just a "helping hand." As Vern had mentioned, if the Governor makes a request and say the IA program is not turned on, that is why they would also ask for those low-interest loans from SBA, because the SBA could then, after it is turned down, be able to provide those low-interest loans to the survivors who have been impacted by this flooding. That really is the large Federal arm that helps people survive or recover from a disaster. Does that answer your question or clarify?

Councilmember Kagawa: Clear as mud. Just kidding. Again, I am just worried about those families. We have those in Kōloa that a lot of them do not have much money and I am just hoping that you folks can do all you can to help those. There are the rich homes that got damaged, and I feel bad for them, but it is more about the poor, local people that do not have the funds, so I am hoping that somehow the Federal government can help us all and do what we can, like how we did in 1992. I know it is asking for a lot, but I appreciate anything you folks can do. Thank you.

Council Chair Rapozo: Thank you very much. Any other questions for our County officials? If not, is there anyone in the audience wishing to testify?

Ms. Fountain-Tanigawa: Chair, we do have a registered speaker, Matt Bernabe.

MATT BERNABE: Matt Bernabe, for the record. It has been a while since I have been here. It is nice to see everybody. I have been listening throughout this meeting and I would like to say that I think it took a long time to get to this point. I understood on the first pass very clear the County's position and I understand that there are being conservative with the five million dollars (\$5,000,000) and had to move forward because it is an emergency. I disagree because I think it is going to be more than five million dollars (\$5,000,000) and I understand that it is how much they are going to spend within a timeframe, so I get that, but just the hazmat clean up at the end of Weke Road, which should have started a week ago, because I have seen with my own eyes, vehicles sitting in the river water, contaminating our watershed and the reefs and all of that. On just that aspect alone, I would say that that would be at least three million dollars (\$3,000,000) to five million dollars (\$5,000,000) right there. I think you should get that done within the next twenty (20) days, as a County, because that is your road. Also, since we are in that area, I would like to think that the future plans for Black Pot and whatever funding that was going to go to that would be reallocated into fixing that road and just postpone indefinitely, because the river mouth is going to do what it is doing and it is doing what it is doing. I do agree with Councilmember Kagawa that I would like to see how they are going to spend it on the front side. We all know that this County runs on "past practice." If we would run on "best practice," we would have that. But since we do not have that and it is not the time to argue or beat that dog to the ground, what I would like to see is as the money is being spent, I would like every three (3) days; that would be a good timeframe to have a memorandum sent to at least the Chair, if not all of you, saying what they are spending it on and have the receipts ready to go that if they do get pulled up, if you folks want to do an onsite "audit" and just ask them, "Hey, what have you spent," they should be able to regurgitate that

information as soon as possible. We cannot count on them on having a system there to have decent, accurate projections on what they are going to spend, but let us at least create a system that keeps track as we spend it. As somebody who has been out there and seen firsthand what really is going on, five million dollars (\$5,000,000) really seems like an underestimate to me. Ten million dollars (\$10,000,000)...yes, I know there are timeframes and all of that...I see my time running out...I would just like to say that I support this. Let us get some waivers for the volunteers that help in the County and State areas. As we helped with the taro farmers, we had to sign a waiver in case we injured ourselves that we could not turn around and come back and say, "Look, we are going to sue you folks for us helping." So I would like to see that out there, too. This is a complicated issue. I will come back if I think of anything later.

Council Chair Rapozo: Okay. Thank you. Anyone else?

Ms. Fountain-Tanigawa: Chair, there are no further registered speakers.

Council Chair Rapozo: Ana, you can come up.

ANA MOHAMMAD DESMARAIS: *Aloha* Council. My name is Ana Mohammad DesMarais, for the record. It is nice to see all of you. I want to give a deep *mahalo* to all of you for being the brains behind the operation here and boots on the ground, everyone in the room. The attention is palatable, so I really do appreciate the work. I have been watching the past few weeks and I really enjoyed everything I have seen, how all of the department heads have come very prepared and aware. I want to extend an extra kudos to the Housing Agency and the Office of the Economic Development for answering prayers. There truly is a "coconut wireless" network on the island, so I really appreciate that. It is because of all of you and the Administration that there is a reserve of funds to tap into in order to provide some relief in this disaster and it would be wise to create a separate reserve for this purpose apart from the County's savings during the budget. This will continue to happen. "Record-breaking and unexpected" will become the new normal, so we should be prepared. It will also be wise to understand what the water did and where it went and construct accordingly for this allowance by being innovative in the reconstruction of the infrastructure, making tunnels under the roads and having stones for the water to seep through elevating the roads and whatever the engineer is inspired to do. It should be noted that the community from this region came forward to speak numerous times on the oversaturation of the space by visitors and residents and how much of a problem it would be in an emergency. It is also wise to heath the request of the community, asking for development to be incremental all over the island for these reasons and more. We must acclimate accordingly as we grow and be respectful to not ever come close to oversaturation, no matter what the intention of the development is to be. Consider how ten million dollar (\$10,000,000) homes were moved through like shacks. As I have said on the record before, there is no bank account wall or gate that can separate or protect you. We are all in this together on this island. The missing link Sue Kanoho is requesting is for the visitors to view their stay on the island as a sacred pilgrimage to pay homage to mother nature and to commune with her, to take off their shoes and walk barefoot on the stones, rivers,

and grass to bow towards the vistas and express gratitude for the trees, to enjoy the sand between their toes and toast to the sunset, sending praise for all humanity to receive such joy. May these prayers ripple onward from this small island paradise, enveloping worldwide. This way, the *mana* will travel home with them and reach the entire planet someday, offering *aloha* to receive *mana*. I appreciate the efforts of the County's noble workers going to the root of the cause and curing from there. "David and Goliath" all day, every day, because the true power sides with the righteous always. Thank you.

Council Chair Rapozo:

Anyone else wishing to testify?

Mr. Bernabe:

Matt Bernabe, for the record. Normally, I am hard on the County, but as I was watching this morning, I thought to myself, "There is no real perfect solution for this," but regarding the rubbish, that is a concern for me and I know there were going off of it, and I know that this meeting was about the five million dollars (\$5,000,000) in infrastructure, which rubbish is under that umbrella as far as I am concerned. We talk about material recovery facilities (MRFs) all of the time and if we ever needed a MRF program right now, we need it because that rubbish is just full of different materials, too. That is what is crazy. I have personally helped gut out some houses and there is no time to sit there as the victim to sort your own rubbish. I started the conversation, but nobody was really into it because they are not like us, they do not follow these on a day-to-day, but I made several jokes that we need them somewhere we could just drop this off and we can hit the conveyor belt and it can just go out. So maybe, whatever makeshift program we start for this, because I am assuming that there are some plans in it to somehow minimize contamination with some of these toxic materials back into the earth that maybe we can move that forward as a permanent thing. So maybe this could be the kick-starter that gets us in the right direction. I really cannot express enough how much we need a hazmat crew at the end of the Weke Road, they should be there now. Everybody has seen it, it has been on the news. Even if you have not seen it with your own eyes, you saw the vehicles in the water. But what you do not see on the video, which I got a kick out of, is the tilapia and the *āholehole* swimming through the jeep. That is what made me think...I laughed for a second, but I fish and I eat this fish and I use tilapia sometimes as bait for *papio*; river mouths love them. Let me tell you something—I even eat tilapia, so as somebody who eats that, I saw the fish swimming through the truck, I was like "We need to clean this up." I kind of made it light here, but it is a real thing. We are going to need more money. Thank you.

Council Chair Rapozo:

Thank you. Anyone else?

Ms. DesMarais:

Aloha. Ana DesMarais, for the record. According to what Matt was just saying, it is true; part of the five million dollars (\$5,000,000) should be that the community volunteers and all of the workers of the County and the State are provided proper gear, as in boots. In Alaska, everybody has that just in their backyard as part of their norm, but this is a situation that everybody should have that. Mother nature did not take any lives gratefully, expressing some compassion there, but there are people that are getting sick with infections and needing a lot of treatment, so if we can avoid that sort of disaster, that would be really

amazing if that could be part of the five million dollars (\$5,000,000) that everyone has the equipment that they need. You can share it in shifts with volunteers and stuff. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Seeing none, I will call the meeting back to order. Further discussion? The motion is to approve. Councilmember Kagawa.

There being no further registered speakers, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: I am going to be supporting the approval. I want to thank members from FEMA, the State, County personnel, and even members around this Council—all of you have been working hard helping families and doing it “Kaua’i style” and I appreciate you folks and you folks lead by example here on this table. We are going to need help. I think getting the Federal and State government to step up again, as they did in 1992, is going to be critical. There was a lot of damage done that we have not even assessed yet. The people are going for critical services right now and a lot of that area has not been evaluated and there is going to be damage out there. This is going to be a long road and my hope is that while we go through this process that the main thing is that we do the jobs right and we try not to waste money. That is when the taxpayers get frustrated is when they see government waste. I want to make sure that as we go through this process, let us make sure that we do not waste, we do it as best as we can, and just continue to do the right thing and try to bring normalcy back to Kaua’i. It is going to take a while, but our local residents lead everyday by example; helping each other the way we do it on Kaua’i is unbelievable. We did it in 1982, 1992, and we are going to do it again. The only way Kaua’i does it is everyone just helping each other out and they are not asking for anything. Again, from FEMA, I made the request. I hope that you folks can step up and help bring “The Garden Isle” back, because we have been through it before. Without FEMA, we would have never recovered from ‘Iniki and we did and got the help that we needed from FEMA, the State, and our County, and we have to do it again. We have a big task in front of us. I just want to thank all of you and make sure that we continue going forward and work together with the Council and provide us with the documentation, so it is seamless. We are here to help, but on the other hand, we are here to provide accountability to the taxpayers. So while it sometimes seems like fighting, it is actually...well, we are fighting, but we are fighting to make sure that we do things right. You can just do it where you make some mistakes or you can do it the right way. I just want to make sure that we do it the right way. Thank you, Chair.

Council Chair Rapozo:

Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. I am going support this Emergency Proclamation and I want to mirror and echo a lot of things that Councilmember Kagawa has said. We have been asking the question, “Is the community going to be able to come together if a ‘Hurricane ‘Iniki’ ever hit?” A lot of people said, “I do not think it is going to be the same. I think we have grown and I think it is going to be questionable,” but I can tell you from what we have seen is that

the “*aloha spirit*” still exists and it is even stronger than before. We had people from Kekaha who responded to help rescue people out on the north shore. What is not really being said out there is that these community groups that have evolved and come out, they are the ones feeding each other. Mālama Kauaʻi and every single organization that is out there shuttling food back and forth by boat or whichever means they can is just absolutely amazing as to how the community has stepped up. I can tell you that the people that seem to be handling this the very best are the ones that have been impacted the most. I think as elected officials, we have to be cognizant of that. What those communities need right now is positive energy, positive thoughts, and leadership and that we are welcomed to *kōkua* and help and see what this is all about, because it is amazing what is happening out there across the island from Kōloa. All the resources from government of course immediately went to the north shore because that was a community that was cut off and that was a community where we had to ensure that there was public safety. Those National Guard soldiers are just amazing out there. The public safety officials that have been there are amazing. That community is feeding all of these soldiers and it is amazing what has evolved. It is truly an inspiration. Vern Miyagi—thank you very much for volunteering. It is okay for us to push to panic button, just as long as we are not pushing the missile button. He came to the EOC and livened that whole room up immediately. I can tell you that we really appreciate you for what you did for Kauaʻi during ʻIniki and we truly appreciate everything that you are doing now, and everybody in that EOC...I tell you when people out there are asking, “What are they doing at the EOC”—do you know what they are doing? They are staying up twenty-four (24) hours a day, seven (7) days a week and they are getting frustrated with each other because they do not really want to be there...do you know where they want to be? They want to be out there in the community, but we need them there because these are the guys that are formulating the action plan. Every mission that is being deployed the next day is because we have this big “think-tank” staying up day and night, just trying to formulate the plan to dig these people out of mud. Thank you, Mr. Chair.

Council Chair Rapozo:

Councilmember Brun.

Councilmember Brun: Thank you. Yes, I will be supporting this. There are a lot of people out there that are helping. When we first went out, (inaudible) we bought three thousand dollars (\$3,000) worth of food and brought it out to Hanalei (inaudible) last week Monday out to Hanalei. I did not know that Kōloa was that bad until we found out and we want and (inaudible) donated another forty (40) beds to the residents out in Kōloa. It took a lot of people to put all of this together. We bought a backhoe down in Keapana and help the farmers out there...I am going to be out there tomorrow. Our Administration, our County staff—I went out to Hanalei yesterday...I finally went down to the pier and there were workers on the ground, assessing the damage and helping with loading the boats. The Planning Department was down there trying to load the boats, trying to get the food in. It is just unbelievable what this County has been doing and stepping up to the plate. For these five million dollars (\$5,000,000), I will be glad to support this and move forward, as long as we are helping out with the emergency stuff. Our EOC, any call I ever had got answered right away, so they are on top of it. We got the messages on E-mail and I just want to thank you folks for all of your hard work. Elton, it looks like you did

not sleep in fourteen (14) days. Get some rest. Thank you for all that you folks do, the Administration, our staff, and Lyle folks. Also, Mauna Kea, since ninety percent (90%) of your work is drama, but thank you for helping out with real stuff.

Council Chair Rapozo:

Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I will be supporting this also. I think it is a relief that in the past we have been practicing fiscal responsibility and we do have the flexibility. We did budget for emergency money in our reserve, which goes to show that we need it. It makes it a much easier decision when we have put that money aside and said "that is what this money is for." Five million dollars (\$5,000,000)—we heard very clear that it will not be their only ask, but that is what they are asking for at this moment right now. We are here to support the Administration and the island in any way we possibly can and releasing this money is one first small step. Again, I want to repeat how thankful we are for the communities coming together; the County, the State, and everyone who has come down, like the Feds, too. If you go by the EOC building, you will see a lot of people that almost look like zombies already. It is not only the hours that they put in, but it is also the stress level. They have people calling in constantly, "We need this, we need that, we want that," and I am sure that they would love to give everybody all the requests, but they cannot. They have to prioritize the request and go through different means to get resources somewhere. I am just thankful they are there. They are receiving the calls, trying to do the best they can and I think the community has been happy with what they have seen also. I think they have seen the County come out. The County was down in Kōloa helping them dump a lot of their big furniture and stuff. That would have been stuff that people in Kōloa would have had to truck...they probably could fit one (1) mattress and one (1) couch in their truck and drive it all the way out to Hanapēpē, have to come back, and they would probably be making fifteen (15), twenty (20), or thirty (30) rounds when the County was out there helping assist. I think it has been going good, considering. Nobody wants a storm like this, but it happened so we deal with it. I think that as we progress, we just have to do the best we can with what we have. The five million dollars (\$5,000,000) is a good start and I think luckily we had it in the budget and had it reserved. We have up to fourteen million dollars (\$14,000,000) reserved. So just keep up the good work and look forward to the reports that come in so that we can help update the community also. We get a lot of calls from the community, "We need this. What are you folks doing here?" I can say that you folks have been very responsive to whatever we needed also, so thank you.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: As Councilmember Kawakami said, the response has been amazing, both in terms of EOC, out in the field, on-island, off-island, public/private. It is just amazing. When I was at Kōloa, there was a whole church that had spent a day, people going to help clean. In Keālia and Anahola, I think hundreds showed up on Saturday and Sunday and the food trucks and the restaurants that were donating support was just heartwarming and with individual donations. We have an amazing community. That is the kind of community and public outreach that we have to support in the coming days. I will count on not hearing that we do not have any money to do the things that have to be done in the

next sixty (60) days and I am hopeful that we can have a well-organized solid waste system that will divert as much as we can, because the landfill, as we know, has already been filling up faster than ever. We are not going to be ready with a new landfill. I also hope that we will be able to address the individual needs of both our families and our farmers because...I hope that we will be able to do it in a way that supports local businesses. I saw a report from Megan Fox and the request that we really hire local contractors and local businesses to do the response and recovery. Thank you.

Council Chair Rapozo: Anyone else? If not, I will just echo all the comments from all Members. It is a lot easier going last because everything has been said, but I do want to extend my thank-you to the Administration, EOC, all the emergency workers, Police, Fire—these guys are out running around, especially right after when there was really no electricity. It was just not pretty out there and for all of the first responders that had to respond, they did a great job, and for that, I thank everybody. For the community, I think as has been said around the table, everywhere we have been, the community is working really, really hard. A lot of them were here during the hurricane and a lot of them were not and they are learning quickly that that is the Kaua'i way. We help each other. It is just very heartwarming to see that, especially in some families that lost everything. The response to Kōloa was a little bit late because we did not know...we simply did not know until later, after-the-fact. The need out on the north shore, because of the closures of the road, that obviously was a priority. But these folks lost everything. The waters came through their homes. You know how we store everything in our homes, like pictures and photo albums—all gone. That is hard to watch, but the community has just stepped up at all levels. I am not even going to start naming them because we are going to miss some, but it seems like every time we need something and we call a company or call a business or we talk to someone that knows someone, it is done and there are no requests for money or nobody gauging the services and the fees. They are just willing to get involved and help. At some point, we will have the opportunity to thank these people properly. Right now, we are in recovery and repair mode and we got a lot of things to fix. If anyone thinks that this is going to be done in the next few months, it is not going to be. This is going to be a year or maybe longer because of the devastating effects. I look at the damages and I look at the people that do not have resources to fix their homes; just applying with FEMA and all of these things and getting partial moneys to fix their homes is not enough. It is not like everyone has a bank account with money available to fix their homes and I think what was said, "habitable," getting these places "habitable" is number one so they can at least get in and have a good night's sleep. There are just so many needs that we have to fulfil. Then the response from the outer islands...now, we kind of have to tell them, "Slow down." I just read on Facebook that there are a couple of containers coming in from Maui and Honolulu. Where do we send all of these things? We do not have the ability to store these things right now. Everyone has good intentions, but I think now we have a lot more than we can use at this moment, so we have to find places to store it. My point is that the outpouring of support from all over has just been tremendous. For that, we thank everybody. Then of course, the visiting agencies, and Mr. Miyagi, you are here on our island and we thank you, all of you, for giving up your time and spending the time and expertise with us. The five million dollars (\$5,000,000)...the sixty-one (61) day requirement is really the kicker for me. I am a realist and I think

the public needs to know that if...I saw some pictures...Mauna Kea showed me some pictures of Kahiliholo Road, which is about ready to cave-in. If that should happen, obviously a phone call to Council Services for Jade to schedule an emergency meeting for the remainder of the funds can be done. We do not need to follow the Sunshine Law. It is not the end of the world to have a meeting with the majority of the Councilmembers showing up and passing the additional funds. I think Councilmember Kagawa talked about it...I was kind of nervous when he talked about "pushing the panic button." I did not want to offend, but when Councilmember Kawakami talked about, I figured you were okay with it, Mr. Miyagi, when he talked about the button. I figured that, "He is okay with it." When Councilmember Kagawa said it, I was like "Oh my God, poor choice of words," but my point is that now is a time to really relax and that is our job here, to kickback and not panic and take these things as they come, knowing that the mechanisms are in place in our Charter that should something drastic happen and moneys are needed that we do not need to wait weeks and weeks and that we can do it in one (1) day. The motion is to receive.

The motion to receive C 2018-115 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Can we go to the Bill, please?

There being no objections, Proposed Draft Bill (No. 2709) was taken out of order.

EMERGENCY BILL:

Proposed Draft Bill (No. 2709) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, FOR THE PURPOSE OF FUNDING EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 14, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (\$5,000,000.00 – *Disaster Response*): Councilmember Kawakami moved to approve Proposed Draft Bill (No. 2709) pursuant to Kaua'i County Charter Section 4.02K, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. Anyone want to have more discussion on this?

Councilmember Kagawa: Just real quickly, I received a text yesterday from a math teacher at Waimea High School and he texted me and said that why do we not take all of the trees and what have you to Green Energy and have them use it to make electricity instead of burying it or whatever we are going to do with it. He said, "I assume you folks are going to do it," but I said, "Well, when you say 'assume,' my coach always used to tell me that is a bad work to use," because do not assume and make sure you check. So if the Department of Public Works and FEMA can try to see if we can direct some of those debris to Green Energy...we can even deliver it and it

makes sense for both sides. They do not have the labor of having to cut it down, it is already cut down. So if we can do some of that and work with Green Energy, I think that math teacher said that it would make a lot of sense. I just want to make sure we follow that. Thanks.

Council Chair Rapozo:

Thank you. Councilmember Yukimura.

Councilmember Yukimura: I think that our Acting County Engineer said that they are looking into that, which I think is an excellent thing. One of the things we are learning from this disaster is the impact of Albizia on this island and there has been expressed to me concern that in a hurricane, they would also be a very detrimental force in the winds. So both by water or by wind, they are a big problem and they are rapidly spreading, so learning how to deal with them in this disaster would be very useful in terms of disaster debris. I also want to reinforce what our Budget & Finance Committee Chair has said about the importance of a reserve. It is a theoretical exercise when we are doing budgeting, but when a disaster hits, you really realize how important the reserve funds are and I predict that we will need more than fourteen million five hundred thousand dollars (\$14,500,000), which is what we have set aside. I am glad that we had the wisdom to set those moneys aside. I just also want to acknowledge Mr. Miyagi for his role both during 'Iniki and now as a volunteer for his tremendous commitment to emergency response and public service. Thank you very much.

Council Chair Rapozo:

Anyone else? Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. To add to the list of people that are also contributing to our Kaua'i delegation at the legislature, Senator Kouchi, Representative Nakamura, Representative Tokioka, Representative Morikawa, and every other representative and senator out there that is going to be voting, if they have not voted yet on the appropriation. We say we need our fair share—this is a good example of getting more than our fair share. Every single district across the State of Hawai'i is standing shoulder to shoulder to say, "We want to help Kaua'i." A part of that appropriation is also going to go to County infrastructure, so that is one way that our team has looked at ways to contribute to the County's efforts, so a big *mahalo*.

Council Chair Rapozo:
approve. Roll call.

Thank you. Anyone else? If not, the motion is

The motion to approve Proposed Draft Bill (No. 2709) pursuant to Kaua'i County Charter Section 4.02K, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa:

Six (6) ayes, one (1) excused.

Council Chair Rapozo: Thank you. Next item.

C 2018-111 Communication (03/29/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in a total amount of \$312,928.00, and to indemnify the United States Department of Labor and the State Department of Labor & Industrial Relations, regarding the following Kaua'i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs:

- Adult Program (\$104,660);
- Dislocated Worker Program (\$73,015);
- Youth Program (\$103,962); and
- Administrative Costs (\$31,291).

Councilmember Kagawa moved to approve C 2018-111, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-111 was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

C 2018-112 Communication (04/11/2018) from the Acting County Engineer, transmitting for Council consideration, a Proposed Draft Bill for the adoption of the 2015 Edition of the International Energy Code based on the State Energy Conservation Code that was adopted on March 21, 2017, which is an appropriate progression to ensure achievable energy savings as the current Code is based on the 2009 Edition of the International Energy Conservation Code: Councilmember Kagawa moved to receive C 2018-112 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-112 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

C 2018-113 Communication (04/11/2018) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 14 for the period July 1, 2017 through June 30, 2019 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to Section 89-11 of the HRS and Section 19.13B of the Kaua'i County Charter: Councilmember Kagawa moved to receive C 2018-113 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-113 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

C 2018-114 Communication (04/17/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to discuss the current hours at the Kekaha Landfill and refuse transfer stations: Councilmember Brun moved to receive C 2018-114 for the record, seconded by Councilmember Yukimura.

Council Chair Rapozo: Lyle, I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Tabata: Good morning, Chair and Councilmembers.

Council Chair Rapozo: Good morning, Lyle. I have been getting a lot of questions from the public about the hours, so I wanted to get it on the floor. I think now with this unfortunate storm, is there any plans to open the landfill and transfer stations longer to accommodate the people that are working really around the clock to clean up their properties?

Mr. Tabata: We have been having extended hours from last week, immediately after the storm, and we started doing the determination and some recovery. The Hanalei Transfer Station and the Kekaha Landfill have been operating under extended hours, two (2) hours longer each day to accommodate.

Council Chair Rapozo: So what would the hours be now?

Mr. Tabata: The hours are 7:15 a.m. to 5:15 p.m.

Council Chair Rapozo: So those are the new extended hours?

Mr. Tabata: During this present activity.

Council Chair Rapozo: Right.

Mr. Tabata: So we have been operating two (2) hours extra each day.

Council Chair Rapozo: Okay. Councilmember Kagawa.

Councilmember Kagawa: I know we sent a personal request and I got your answer that it has always been this way on the holidays. So on holidays, we pick up rubbish from residents, but then the transfer stations and the landfill is closed to the public, so only our automated or the non-automated...we keep it open for them to accommodate during the...

Mr. Tabata: The station is not open, they just have the key to get in and they dispose. In some cases, if we did not haul out all of the material to have enough room for the following day, the holiday, and we are going to be all filled, we bring crews out to just move enough loads so that we do have space for the next day's start.

Councilmember Kagawa: Okay, so we need a certain amount of space to begin the next day of being open.

Mr. Tabata: Yes.

Councilmember Kagawa: We do not want it to be stuffed with trash and then open up the next day and there is no room.

Mr. Tabata: Yes. On certain occasions, it depends on timing and some equipment availability or unavailability that if we did not make the proper amount of space then we have to come a few hours to be able to service the day following a holiday.

Councilmember Kagawa: For me, I am not talking about the daily residents' trash, but I am talking about these commercial haulers, like Garden Isle and what have you, that they haul rubbish for all the commercial, schools, and what have you and I guess the question is would it not be a great idea if they allowed to us to as well, because we have storage needs and the next day after the holiday, we have to pick up a new batch of rubbish. So if we are taking in our County worker, should we not open for the commercial guys? I just thought that it should be considered, not to say that I hope I change your mind now, but I hope that we would consider, because when you hear that argument, that is true. It is inconvenient for us if we had to close it and we had to store all of that rubbish, but the commercial guys have that same problem. They have a whole new batch tomorrow after the holiday to pick up as well. So when we have a holiday, they are stuck. Like a person at home, you are not really that stuck because you only have what you have at home. But for these commercial guys, I just thought that should we reconsider at this point? I know we have been

doing it like this for twenty (20) years, but the requests have been made from the private sector asking if you folks can consider, so can we reconsider. Perhaps we are staffing with one (1) person.

Mr. Tabata: That is the issue, the staffing. We are bound by the Department of Health and they have a minimum requirement for staffing, especially at the landfill because we are require to cover the loads daily and cap it. There are a lot of restrictions that way.

Councilmember Kagawa: Understood. When I heard that argument, I thought to myself that maybe the answer that, "Well, we have been doing it for twenty (20) years," is not such a good one and at least it seems to warrant for me the seriousness that we at least consider it a little deeper.

Mr. Tabata: Well, we can look at it and if we can have the commercial haulers...I guess it does warrant a look and if you have that many calls and we can evaluate it and see...it is based on volume and cost. So if the volume expected does not allow us to at least meet some of the cost...

Councilmember Kagawa: I think what they are saying is if the County automated trash guys are only going there until ten o'clock or so, maybe that is their *huki pau* time, then just allow at least the commercial guys to go until ten o'clock; not open the whole day, just whatever we allow for our County household trash, allow for the large commercial haulers to bring up to that same time that we let the County guys do it. That was their request. Like I said, I just think that it sounds serious enough that we give it more consideration than just say, "Well, it has been like this for twenty (20) years, so no."

Mr. Tabata: The times when we do have to open the landfill to transfer is an exception and not the norm on a holiday.

Councilmember Kagawa: Okay. Thank you.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: That was a good point and that point has come up on the private sector side and I think they are seeing our County trash trucks going and making drop-offs, so they are saying "we are stuck with this mess, too," and it is about fifty percent (50%) of the waste stream as well. The Department of Health standards to cover every day, does that apply to us as well?

Mr. Tabata: Yes.

Councilmember Kawakami: So we are already going to have the crews to do the cover. Do you have an estimate about how much more staff you would have to have on hand to handle the private sector trash coming in on holidays? Holidays are an exception; they do not happen every single week. But during the exceptional time, have we cost-estimated how much it would cost?

Mr. Tabata: It costs us four hundred eighty dollars (\$480) an hour.

Councilmember Kawakami: Okay. Thank you, Mr. Chair.

Council Chair Rapozo: So it does not happen every holiday?

Mr. Tabata: No.

Council Chair Rapozo: How many holidays have we opened the landfill?

Mr. Tabata: I have to get back on that. I do not have that information.

Council Chair Rapozo: Is it half? More than half? Less than half? You said it is more of an exception, not the rule, but is it a significant amount?

Mr. Tabata: I need to get back to you with that.

Council Chair Rapozo: Typically, when you do open on a holiday, what is the staffing? Do you have the scaling person? The scale house has to open?

Mr. Tabata: Yes. It requires nine (9) people to staff.

Council Chair Rapozo: And that nine (9) people would be able to accommodate the private hauler as well? I would envision this period of time where it is not constant, right? Is there a gap between trucks?

Mr. Tabata: Yes.

Council Chair Rapozo: That could be filled? In fact, it would make it probably worth more...we would generate more revenue if you collect the tipping fees from the private sector. It just makes some economical sense that if we are open anyway and we are paying four hundred eighty dollars (\$480) an hour, that we would fill the gaps with private sector trash and at least make some money, and also, handle the overload that they have to deal with as well. That was my question. So you have a crew in place that could accommodate the trash?

Mr. Tabata: It would just be overtime. We would have to schedule overtime.

Council Chair Rapozo: But you are already paying that?

Mr. Tabata: When we do open, we do pay the overtime.

Council Chair Rapozo: So it would not cost extra from the days that you are already open?

Mr. Tabata: Yes.

Council Chair Rapozo: Okay. They probably get close to one hundred (100) tons a day, I would guess.

Mr. Tabata: Yes, they are half the total...two hundred (200) total a day.

Council Chair Rapozo: So about one hundred (100) tons a day, times that by the tipping fee, which we charge them—that is a significant revenue source right there that we are giving up. Councilmember Kawakami.

Councilmember Kawakami: I think the more important question is are we informing the private haulers on the closures or are they showing up and telling them, “We are closed today?”

Mr. Tabata: No, they know that we are closed on holidays. So the issue would be when we do make the decision that we have to open on a holiday, which is usually only the day before, then we would be notifying them. So the logistics of making sure they get the notification and we have to estimate how long we will stay open. As soon as the refuse need is met, then we normally do the final cover and then we send the crews home. It is a whole logistic thing of bringing enough daily cover in from the source to sit at the landfill to be able to accommodate meeting the regulatory needs of covering daily. We have to take a good look at it.

Council Chair Rapozo: It might not be worth it. If it is one (1) or two (2) holidays a year, then I am not sure. But if we are doing it more often, then it is probably something to consider. I guess it was kind of upsetting...I received a call, too, because the landfill is closed, but they are driving past and they see the landfill is really not closed and they are wondering why and that they have to take their trash all the way back to Lihū'e and then tomorrow come all the way back. So if we can accommodate...there may be an additional cost associated with that. I do not know. That is something that you folks have to figure out.

Mr. Tabata: Thank you.

Council Chair Rapozo: Anyone else? Any questions? If not, thank you, Lyle. Is there anybody in the audience wishing to testify? Seeing none, the motion on the floor is to receive.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-114 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

LEGAL DOCUMENT:

C 2018-116 Communication (04/18/2018) from the County Attorney, requesting Council approval of the following indemnification language that will be used as a template for various legal agreements that will be executed between the County and private landowners in order to provide emergency services to the public including, but not limited to, alternate access and evacuation routes, emergency staging areas, debris clearing, etc.

- April 14, 2018 Disaster Event Indemnification Language for Legal Agreements

“Responsibility. The County shall indemnify and defend _(landowner)_ against all claims, damages and expenses arising out of the exercise of this agreement and be responsible, to the extent permitted by law, for damage or injury caused by the County’s officers, employees, agents and contractors in the scope of their employment and any other use permitted by the County arising out of the exercise of this Agreement, subject, however, to the availability of funds by the County Council.”

Councilmember Kaneshiro moved to approve C 2018-116, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Councilmember Yukimura.

Councilmember Yukimura: I had a question for Mauna Kea.

Council Chair Rapozo: I will suspend the rules. Mauna Kea, there is a question about the indemnification item.

There being no objections, the rules were suspended.

Mr. Trask: Aloha. For the record, Mauna Kea Trask, County Attorney.

Councilmember Yukimura: Thank you, Mauna Kea. My only question is at the very end of this indemnification language, it says “subject, however, to the availability of funds by the County Council”—I did not know that you could limit indemnification to the amount of money that an entity has.

Mr. Trask: Well, you can. We cannot give any money that we do not have and that is a common clause that you incorporate when you are dealing with legislative branch and the authority to control the purse strings. So I do not think it is a probability, I do not think it is likely, but it is something that we want to put in there just to acknowledge this body’s legal prerogative and to be just upfront with the private parties that we are working with just to say that it is what

it is. We are in an emergency...we do not have a lot of money to cover...there are limits. That is the point of it.

Councilmember Yukimura: So we are telling the landowners that if there are claims and damages arising out of or caused by County officers, employees, or contractors in the scope of their employment, we will indemnify them, but it is limited.

Mr. Trask: Yes, this County has to have a balanced budget. It cannot go into debt. There are all of these restrictions, so we are just putting it out there in the clause so that it is clear.

Councilmember Yukimura: But they are still going to sue us and no matter whether we have the money or not, they are going to say that we owe it to them.

Mr. Trask: That is why we want to put in the language, subject to the availability of funds.

Councilmember Yukimura: Which the Mayor could also veto. Is it solely just the County Council that makes the funds available?

Mr. Trask: The legislative branch controls the purse strings, yes.

Councilmember Yukimura: But it is an appropriation bill?

Mr. Trask: No, this...

Councilmember Yukimura: This is just the fund that we approve or disapprove?

Mr. Trask: This is an indemnity provision that we want to have available to use in order to deal with this disaster. Sometimes we are going to have to work with private partners, especially in the isolated areas, whether it is access roads, easements, services, waste sites, and all that kind of stuff.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Any other questions? If not, thank you Mauna Kea.

Mr. Trask: Thank you.

Council Chair Rapozo: I will call the meeting back to order. Further discussion?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-116 was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Motion carried. Next item.

CLAIMS:

C 2018-117 Communication (03/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Marilyn Luis, for personal expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2018-118 Communication (04/02/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mario Tolentino, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kagawa moved to refer C 2018-117 and C 2018-118 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2018-117 and C 2018-118 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDIR 2018-01) submitted by the Economic Development & Intergovernmental Relations Committee, recommending that the following be Approved as Amended on second and final reading:

"Bill No. 2697 – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY,"

Councilmember Brun moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Anybody from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2018-15) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2700 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COLLECTION OF BUS FARES,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Anybody from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

A report (No. CR-PST 2018-01) submitted by the Public Safety & Transportation recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2695 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Anybody from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2710) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ENERGY CODE: Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2710) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 30, 2018, and referred to the Public Works / Parks & Recreation Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?
Councilmember Yukimura.

Councilmember Yukimura: Can we hear from Mr. Haigh or the County Engineer, just so people know what this Bill is about?

Council Chair Rapozo: With that, I will suspend the rules with no objection.

There being no objections, the rules were suspended.

Mr. Tabata: Good morning, Chair and Members of the Council. Lyle Tabata, Acting County Engineer. I will allow Doug Haigh to express the details of the new code update.

DOUGLAS HAIGH, Chief of Buildings: Good afternoon, Doug Haigh, Department of Public Works. The 2015 International Energy Conservation Code was approved by the Governor as the State Code and I believe it was signed in March last year. By State law, if we do not adopt the code with our own amendments, we have to follow the State Code two (2) years after approval by the Governor. Regardless, we believe that the 2015 International Energy Conservation Code is good for the people of Kaua'i and are pushing for your support to move forward with the new code. There are provisions in there that actually will save homeowners money from the current code and the key section there where it acknowledges a tropical home, which will

encourage people to build homes that are appropriate for Hawai'i and help discourage the need for air conditioning in our homes, which is something that is very prevalent now. It is quite an industry now on Kaua'i and a lot of work is going on without proper permits, putting in air conditioning and retrofitting into homes, so our goal is to help people get homes that are designed appropriately for Hawai'i to minimize the need for air conditioning. Of course, there are significant changes on commercial facilities and it is all about reducing energy use.

Councilmember Yukimura: And costs?

Mr. Haigh: And the benefit is a reduction of costs, too, especially for Kaua'i with our high energy costs.

Councilmember Yukimura: Especially for Kaua'i what?

Mr. Haigh: Because of our high energy costs, so that you have less of a gap between how many years it takes to recover for any additional costs you put in until you actually realize the savings from your energy bill.

Councilmember Yukimura: Okay. Do you have a summary?

Mr. Haigh: We sent forward with the Bill a package for Councilmembers.

Councilmember Yukimura: Is that in here?

Mr. Haigh: It has five (5) basic sections: one, the ordinance itself; we have significant changes to the new code; we have letters of support for the code adoption; and then we have a section of justification and analysis of changes, which talks about...we justify each item of the new ordinance and we also have a detailed study that was done on analysis of adopting this code for Hawai'i. Then we have the minutes of the task force meetings that we had to review and make sure the changes were appropriate for Kaua'i.

Councilmember Yukimura: Okay.

Mr. Haigh: Within the task force, we did make various changes based on the recommendations of our task force group.

Councilmember Yukimura: Okay. So there are some things that are different than the State Code?

Mr. Haigh: That is correct.

Councilmember Yukimura: Okay. That was not attached here. Is that something that staff has that we have not seen? Was that given to us separately? I only have one (1) sheet.

Mr. Haigh: We do have that section available electronically. I made a file of that whole package.

Councilmember Yukimura: Was it sent to us?

Mr. Haigh: My understanding is that it came forward with the Bill and I made a special effort to get it done.

Councilmember Yukimura: I would like to find it and if it is not too bulky, actually put it on the next agenda so that people from the public can have access to it. Is it bulky?

Mr. Haigh: Yes.

Councilmember Yukimura: Okay. How do people access that information?

Mr. Haigh: We could post in online for the Building Division and I do not know if Council Services want to post it online.

Councilmember Yukimura: Maybe in announcing the public hearing, we could give the electronic link so people could access it.

Mr. Haigh: It is not that large of a file.

Councilmember Yukimura: They do not even know it exists though. Can we just include it in the public hearing notice? Just the link? It is also electronically given to us, the public notice hearing, right? If people do not know it exists, then they will not ask for it. If we could tell them it exists and make it available, that would be helpful, right?

Council Chair Rapozo: Let us just post it on our website and be done with it. I do not know how many people out there are interested in this Electric Code, but I believe that some contractors may be.

Mr. Tabata: We will have it put on the Public Works Building Division website.

Council Chair Rapozo: Thank you. Doug, if you can, when you get this to Committee after the public hearing, you can kind of set it up and show us what changes your committee recommended from the State Code.

Mr. Haigh: One additional piece of information—we did have a training scheduled for the new code last week Wednesday.

Council Chair Rapozo: How many people?

Mr. Haigh: Well, we canceled realizing that...well, our inspectors had to go out to help, but what we are going to do is have a webinar of that

training and I believe we are scheduling it for May 11th. It will be the Friday of that week.

Council Chair Rapozo: Okay. If you can provide whatever information you have that you are doing to us before the public hearing, then we can make the announcement at the public hearing.

Mr. Haigh: Great, thank you.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Yvette just said that they will post the link on our Facebook page so that people can also go there or to Public Works' website.

Mr. Haigh: Yes. I need to go back to my office and get that posted.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Any other questions? Seeing none, thank you. Anyone from the public wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I just thought of it and you do not have to come back up, but if you...any maybe in your supporting documents it is already in there, but it shows how much an average homeowner could save if they are building their home now and they follow those rules, that would be helpful...average savings for the house. If you have that information, please post that, too. Thank you.

Council Chair Rapozo: Thank you. Roll call.

The motion for passage of Proposed Draft Bill (No. 2710) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 30, 2018, and referred to the Public Works / Parks & Recreation Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2711) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2711) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 30, 2018, and referred to the Committee of the Whole, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Just one request for me—I know that recently we moved the lifeguards into this unit, resulting in a significant pay increase. It was a couple of years ago, I believe. For clarity, I want to see if we can get a spreadsheet similar to the one that you provided last time, Janine, showing all of the bargaining units for the County and how much they have increased over the past twenty (20) years. So if we can get that lifeguard one as a separate column, because I think theirs will show a significant higher increase with this new contract in comparison to their other Hawai'i Government Employees Association (HGEA) counterparts. These guys moved out of somewhere else and with a significant increase. I just want to show in clarity, not saying that I am going to oppose their new increase, which has already been collectively bargained. I think the public should see that they have had a big, big increase recently and now they are getting another increase with what all the other units are getting. Because of the big increase recently, one could say that this one is a little fast for another increase, but anyway, it is what it is. Thank you.

Council Chair Rapozo: Any further discussion? Seeing none, the motion is to approve. Roll call.

The motion for passage of Proposed Draft Bill (No. 2711) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 30, 2018, and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: This is the plan, it is 12:35 p.m. and we have three (3) Bills for Second Reading, two (2) Executive Session items, which I am going to ask that...one has requested a deferral and I am going to ask that we defer the second one so that we do not have to deal with it today, as it is not important to. If we can wrap this up, we can finish at 12:30 p.m., come back for the public hearing, but be done for the day. That is the plan. With no objections, let us go Bills for Second Reading.

BILLS FOR SECOND READING:

Bill No. 2695, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY: Councilmember Kaneshiro moved to approve Bill No. 2695, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kawakami.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I want to thank Councilmember Kawakami and all of the rest of the Council, and public safety, like Police, and Mauna Kea for working on this. I have heard a few saying, "Wow, you guys are going to go into this area," but for me, if a practice of doing something has no really good outcome besides just pure entertainment or recreation, but yet the effects are harmful to the public, then for me, I have no problem and this is how I feel about this issue. We all have our recreational stuff that other people may think is stupid or whatever, but there is a time and place for everything and we are the body that sets that direction and protects the general public as a whole, not for the few that want to practice what other people may see as stupid. So I think for me, for this, I think the general public should have a safe zone away from these type of items that are used for recreation. Thank you, Chair.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: As the person who initiated this Bill, I want to say that it came because the use of whips on public grounds, public property, and parks is very disturbing, both by the sound and by the potential harm. The issue was first raised at Kalena Park where the elderly were very disturbed about it, and it moved over here to the County Building. Through the public hearing process, we also learned that it is an issue on the west side. So I think it is needed and I wanted to

understand the people that we would be effecting by this regulation, so I did speak to at least two (2) of those people who use the whips, one of whom was a track star when he was in high school and they do it like people love shooting guns or doing other things that may disturb third parties. As the Vice Chair said, it is a matter of where it is inappropriate to do. So this Bill tries to make those definitions for law enforcement in terms of where that is. One of the complainants or people disturbed by it was concerned as to whether this Bill would cover places like neighborhoods in the valleys and west side, kind of rural sections, and I was hoping we would get some clarification from the Prosecutor and the Police, because they do have an alternative route of disturbance of the peace and if there is a complainant. So I am hopeful that that this Bill will, in conjunction with the other coverage, address those needs. If it is not, we will come back with an amendment. The people that use the whips that I spoke to said that it is something that they just enjoy doing. They do not have any intention of harm. When I explained to them the rationale for the Bill, I invited them to come and speak at the public hearing, but they did not show. When I explained to them the rationale of the Bill, they seemed to understand. So I was grateful for that. So hopefully this law, as we pass it, will actually help to bring some peace and calm and reassurance to people who have been disturbed by it.

Council Chair Rapozo: Thank you. Anyone else? Seeing none, the motion is to approve. Roll call.

The motion to approve Bill No. 2695, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: Next item.

Bill No. 2697, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY: Councilmember Kawakami to approve Bill No. 2695, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I want to praise Lee and Councilmember Kawakami for working on the Bill. I have talked to several long time business owners there, like Steven Kurokawa and the Kannas and they are all in favor of this Bill. They think it is a good change and that it will bring more safety and more order to those Friday night events. When there was an issue that came up earlier when I was in charge of it, we said, "Hold off." We put more work into it, Councilmember Kawakami took over, working with Lee, and these folks are now happy and supportive, so I think that is true government success that we took a problem and did not fire it because there were still some issues. Now, we have everybody on board, so let us go forward.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I do want to agree with the Vice Chair that this is a good example of government working well and I do want to thank Lee Steinmetz, Lyle, Jodi Sayegusa, Councilmember Kawakami, and the community, who worked on this Bill. I think it is going to be better for everyone. Thank you.

Council Chair Rapozo: Anyone else? The motion is to approve. Roll call.

The motion to approve Bill No. 2697, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: Next item.

Bill No. 2700 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COLLECTION OF BUS FARES: Councilmember Brun moved to approve Bill No. 2700 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Mr. Chair. I know that Honolulu passed an amendment recently...wait, this is bus fares, not the taxi cab. Sorry, I blew it. Thank you.

Council Chair Rapozo: That is fine. Roll call.

The motion to approve Bill No. 2700 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: So that ends the formal part of our agenda. We have a public hearing at 1:30 p.m. and the two (2) Executive Sessions, so let us do the two (2) Executive Session deferrals right now. Let me just say that the deferral of ES-945 is at the request of the Administration.

Councilmember Yukimura: So did the Administration say it was okay to defer this?

Council Chair Rapozo: It was at the request of the Administration, so it is okay with them.

Councilmember Yukimura: I am sorry, okay.

Council Chair Rapozo: They had anticipated a judge ruling, which did not happen, so we are accommodating their request.

EXECUTIVE SESSION:

ES-945 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with an additional briefing update and request for authority to settle the case of Klaus H. Burmeister, et al. v. County of Kaua'i, CV 16-00402 LEK-KJM (United States District Court), and related matters. This briefing and consultation involves consideration of

the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-949 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to defer ES-945 and ES-949, seconded by Councilmember Brun, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

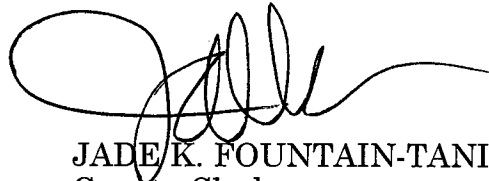
Council Chair Rapozo:
hearing. Thank you very much.

We will return at 1:30 p.m. for the public

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:44 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large loop at the start and a long horizontal stroke at the end.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ct

